

Russian Federation:

Monitoring of IDPs and returnees still needed

A profile of the internal displacement situation

12 October, 2009

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Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations.

At the request of the United Nations, the Geneva-based Centre runs an online database providing comprehensive information and analysis on internal displacement in some 50 countries.

Based on its monitoring and data collection activities, the Centre advocates for durable solutions to the plight of the internally displaced in line with international standards.

The Internal Displacement Monitoring Centre also carries out training activities to enhance the capacity of local actors to respond to the needs of internally displaced people. In its work, the Centre cooperates with and provides support to local and national civil society initiatives.

For more information, visit the Internal Displacement Monitoring Centre website and the database at www.internal-displacement.org.

Internal Displacement Monitoring Centre

Norwegian Refugee Council
Chemin de Balxert 7-9
1219 Geneva, Switzerland
Tel.: +41 22 799 07 00
idmc@nrc.ch
www.internal-displacement.org

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OVERVIEW

Russian Federation: Monitoring of IDPs and returnees stil needed

At least 80,000 people are still internally displaced in Russia, more than 15 years after they were first forced to flee their homes. While large-scale hostilities ended several years ago, violence is still extensive in the North Caucasus and human rights abuses continue with perpetrators enjoying impunity. The economy is improving in Chechnya and reconstruction has brought impressive results in Grozny, but corruption and weak local governance continue to delay full recovery.

Over 275,000 internally displaced people (IDPs) have returned to Chechnya and North Ossetia, mainly since 1999, but most continue to live in inadequate temporary accommodation. Some returnees to Chechnya report they were under pressure to return from the local authorities, but promises of adequate alternative housing in Chechnya did not always materialise, while compensation programmes have been insufficient to fund permanent housing.

IDPs and returnees also lack stable incomes and some still face difficulty in obtaining and recovering documents needed to access their economic, social and political rights. The lack of documents limits IDPs' chances of receiving property compensation, utilities subsidies, a full pension and other social benefits, and of being able to conduct legal transactions. Continued monitoring of IDPs and returnees is needed to ensure they can increasingly enjoy their rights on a par with their non-displaced neighbours.

Background to displacement

Internal displacement in Russia is largely a result of armed conflict and violence in the Chechen Republic (Chechnya) and the Republic of North Ossetia-Alania (North Ossetia).

The fighting in 1992 between ethnic Ingush and Ossetian militants over disputed territory in North Ossetia was the first armed conflict in Russia after the collapse of the Soviet Union. Most of the Ingush people living in North Ossetia, who were estimated to number between 35,000 and 64,000 people, were forcibly displaced from their homes during the five-day conflict (HRW, 31 May 1996).

In Chechnya over 800,000 people were displaced by two wars, some of them more than once (UNDP, 30 September 2005). Federal troops first went into Chechnya in 1994 to quash the independence movement, and withdrew after a peace agreement was signed in 1996. They returned in 1999 as part of a "counter-terrorist" operation after militants called for the creation of an Islamic state in the North Caucasus, and apartment buildings in several Russian cities were bombed.

While large-scale fighting has ended, the conflicts and their consequences have yet to be fully resolved. Moscow declared the Ingush-Ossetian conflict resolved in 2007, and in 2009 announced the end of the decade-long "counter-terrorist" operation in Chechnya. However, reconciliation initiatives have yet to be established for communities affected by either conflict.

2009: Intensified violence and ongoing impunity for human rights abuses

Insecurity in the North Caucasus still presents a threat to citizens and a barrier to durable solutions for IDPs. Violence has escalated in 2009 as militants have stepped up their activities and government forces have retaliated (NYT, 30 August 2009; HRW, 3 September 2009; CSIS, 31 August 2009). Most of the violence has occurred in Ingushetia, where militants have targeted high-ranking government officials and law enforcement officers. Human rights abuses have also continued in Chechnya, which have included the use of torture and ill-treatment in custody, extra-judicial executions, arbitrary and secret detentions, enforced disappearances and punitive house-burnings (AI, 1 July 2009; HRW, 2 July 2009). People exposing these cases have been threatened, harassed and killed, which has curtailed human rights reporting in Chechnya (HRW, 4 September 2009; RFE/RL, 20 August 2009).

While President Medvedev has called for an investigation into the murders of human rights defenders and outlined a plan to make the ongoing struggle against militant attacks more effective, there has been virtually no punishment of perpetrators of human rights abuses in the North Caucasus. People in the region generally avoid legal proceedings, which are lengthy, expensive and subject to corruption (ODI, 28 February 2009). Court judgments are not always implemented and the independence of the judiciary has also been questioned (CoE, 8 June 2008; UN, 29 May 2008). Victims of human rights abuses and their families who report cases face a heavy burden of proof, and often threats, harassment or even revenge attacks. The European Court of Human Rights has found Russia responsible for human rights violations in more than 100 applications by victims and their families who failed to secure justice in Russia, and while Russia has paid full compensation to the applicants, no one has been held accountable for the crimes and there is still no official and up-to-date database of missing persons and unidentified bodies, nor a policy for exhuming and identifying the bodies found in over 60 mass graves in Chechnya (Ombudsman of Chechnya, 16 April 2009; Vesti, 10 June 2009).

IDP and returnee numbers

There are no authoritative figures of the number of IDPs or returnees in Russia. The government counts people who fled Chechnya or North Ossetia to another part of Russia and qualify for "forced migrant" status under the Law on Forced Migrants. The government's Federal Migration Service (FMS) also counts IDPs in need of emergency assistance. Otherwise, non-government sources compile numbers of IDPs in Chechnya, Ingushetia and Dagestan.

The government reported that there were about 6,500 people on FMS assistance lists and some 16,000 people with forced migrant status. The FMS lists include almost 3,900 people displaced within North Ossetia. The last IDPs on the list in Chechnya and Ingushetia were de-registered in 2007 and 2009 respectively. As for forced migrant status, about 3,800 people displaced from North Ossetia, 4,800 people displaced from Chechnya in Ingushetia (UNHCR, 20 August 2009) and some 7,500 people displaced from Chechnya outside of the North Caucasus (Government of the Russian Federation, 1 July 2009) still had the status in mid-2009.

However, UNHCR estimated in 2009 there were still about 74,000 IDPs in the North Caucasus, including some 54,000 people still displaced within Chechnya, about 10,000 IDPs from Chechnya in Ingushetia, and about 4,000 IDPs from Chechnya in Dagestan (UNHCR, 20 August 2009). There were also some 4,000 IDPs from North Ossetia in Ingushetia and about 2,000 in North Ossetia (UNHCR, 20 August 2009). A non-government estimate of IDPs living outside of the North Caucasus was unavailable.

As for returnees, the government reported that some 255,000 people returned to Chechnya from 1999 to 2009 (Government of the Chechen Republic, 24 March 2009). Up to 60 per cent returned to their former homes or apartments, and the rest to live with relatives (Government of the Chechen Republic, 27 March 2009). Some returnees were displaced again within Chechnya to worse living conditions in their area of second or third displacement. According to UNHCR, the

lack of permanent housing and stable work have remained the main obstacles to return in Chechnya (UN, 1 July 2009). However, IDPs from southern Chechnya have stated continuing insecurity and trauma from the conflict are additional obstacles to their return.

Over 25,000 people have returned to North Ossetia since 1994 with government assistance (UN, 20 August 2009). Returnees live either in new houses or in trailers on their land where construction is ongoing. Some IDPs from North Ossetia have remained displaced as their original homes are now located within a restricted “water conservation zone” or areas prone to flooding, though the government has offered some of these IDPs land plots in another settlement in Prigorodny district. Ongoing tensions (especially after the terrorist attack on the school in Beslan in 2004) and the occupation of IDPs’ homes by others have also prevented the return of IDPs to some areas.

Difficulty obtaining documents

Many IDPs were never granted forced migrant status, while others lost it even though they still faced problems related to their displacement. The status is valid for five years and can be extended on an annual basis if the applicant has been prevented from “settlement at the new place of residence”. In some cases this point has been interpreted too narrowly, with IDPs who received property compensation losing the status even though the compensation has not been sufficient for them to buy housing. Ethnic Chechens faced particular difficulty in accessing forced migrant status since some officials rejected their applications on the basis that they had not fled ethnic discrimination in Chechnya and could therefore safely return.

IDPs have also been progressively de-registered from the FMS assistance lists, and sometimes have been put under pressure to return. In Chechnya the government de-registered the remaining recipients of assistance in 2007, and in Ingushetia, the remaining 3,100 recipients were de-registered in 2009 (Memorial, 26 May 2009; MHG, 14 April 2009). Some IDPs in Ingushetia reported being de-registered because they signed applications to return to Chechnya in the face of threats that their child allowances, pensions and unemployment benefits would otherwise be terminated. Some IDPs refused to sign the application for return, but were later shown that they had been struck off the register on the basis of an FMS report that they were not residing in a government-provided “temporary settlement”. Few took legal action, but those who did faced difficulty proving they signed the forms under pressure (Memorial, 26 May 2009). FMS representatives visited Chechnya and Ingushetia to monitor the situation of IDPs in early 2009, but their conclusions were not made public (Government of the Russian Federation, 1 July 2009 and 12 February 2009).

Registering as residents in their place of displacement still proves difficult for many IDPs. Landlords are reluctant to register them, and often (unlawfully) demand that they pay for utilities one year in advance. To receive benefits, most unregistered IDPs must return to the place where their permanent residence is registered. Most IDPs in Chechnya are now living in their area of permanent registration where they can access medical care or education, though some have problems accessing social benefits. In Dagestan, at least 74 per cent of IDPs from Chechnya do not have temporary residence registration, which limits their access to entitlements such as health care, official employment and a pension.

Recovering documents lost during their flight or destroyed during conflict (a number of archives were burned down during the conflict in Chechnya) still poses problems for IDPs, limiting their capacity to conduct legal transactions and apply for property compensation, utilities subsidies, a full pension and other social benefits. In Chechnya, IDPs may have documents reissued if two witnesses support their claim; however, the search for former neighbours or witnesses is reportedly time-consuming and the process burdensome. To recover documents which survived

the conflict, IDPs must travel to different institutions in Chechnya, present extensive documentation, pay bribes and follow cumbersome procedures (ODI, 28 February 2009).

Lack of permanent housing

There was widespread destruction of housing and infrastructure in Chechnya during the two wars. A survey has estimated that over 110,000 houses and about 50,000 apartments in Grozny were fully or partially destroyed (ODI, 28 February 2009). Some properties have remained unrepaired for up to 14 years. International organisations have built or repaired over 20,000 houses in Ingushetia and Chechnya since 2000 (UN, 1 May 2009), but some 60,000 people in Chechnya, Ingushetia, Dagestan and North Ossetia still needed a permanent home in 2009 (UN, 1 July 2009).

IDPs and returnees live in government-provided “hostels”, in private rented dwellings, or with relatives. In mid-2009, about 4,600 IDPs in Chechnya were living in 17 hostels, some 3,000 people were living in over 60 hostels in Ingushetia, over 300 people were living in eight hostels in Dagestan and an unknown number were living in hostels in North Ossetia (UNHCR, 20 August 2009). Outside the North Caucasus, 15 hostels house people with forced migrant status (FMS, no date, information accessed August 2009). An estimated 50,000 IDPs in Chechnya and 8,500 IDPs in Ingushetia live in private accommodation or with relatives. In North Ossetia, at least 100 internally displaced households received land plots and a government subsidy to build a house in the purpose-built settlement of Novy. In Dagestan, IDPs who initially found refuge in an informal camp were allocated land plots, construction materials and cash grants.

Hostels for IDPs have been progressively closed. Outside of the North Caucasus, in Pyatigorsk for example, IDPs have received successive notices to leave hostels and have been evicted without alternative accommodation. In Chechnya, the closure of hostels intensified in late 2007 and in 2008, and by mid-2009 about 1,500 families had left or been evicted from the hostels in Chechnya. The government reports having given residents several months notice of closures, but many residents have stated that they were not adequately consulted and that they were forced to leave without due process or any secure prospects of adequate alternative accommodation (AI, 1 July 2009; Memorial, 7 April 2009; Memorial, 26 May 2009). In 2009, the FMS terminated contracts with 22 hostels in Ingushetia on the basis of an agreement between the presidents of Chechnya and Ingushetia to return IDPs to Chechnya. Local authorities subsequently passed a decree for the closure of these hostels. In contrast, there has been no pressure on IDPs from North Ossetia to leave Ingushetia, though the authorities have not actively promoted their integration.

The government has offered various housing options to IDPs leaving the hostels in Chechnya. These include apartments and land plots, and also funds to pay rent with and a letter of guarantee for receipt of a dwelling from the municipal housing stock. In 2008, over 3,000 people or almost 700 families received a housing option, with over half of those also receiving 18,000 roubles (\$570) to cover rent for six months, 2,000 roubles (\$65) for transportation and a letter of guarantee for receipt of a government dwelling. However, only seven families received apartments based on the letter of guarantee by mid-2009. In rural areas, IDPs were moved into hostels or given land plots since funds were not available for reconstruction of houses or provision of facilities.

There have been several problems with the housing solutions offered to IDPs in Chechnya. Apartments are sometimes claimed by several families, and some are in need of major repairs (AI, 1 July 2009; Memorial, 26 May 2009). IDPs report that 18,000 roubles is insufficient to rent an apartment in Grozny for six months and that the letter of guarantee does not appear to be a legal document or specify a period of validity (Memorial, 26 May 2009; CoE, 29 September 2009). Living conditions in hostels in rural areas are especially poor, and many vulnerable IDPs lack the

funds or physical capacity to build on land plots offered to them, even when construction materials are provided.

Federal bodies proposed in 2008 the establishment of a new mechanism to provide housing to people dispossessed as a result of the conflict in Chechnya, but no progress had been reported by 2009 (Government of the Russian Federation, 31 December 2008).

Property compensation proving an ineffective remedy

People whose property was destroyed in conflict are entitled to compensation or assistance. In the case of property destroyed in Chechnya, those who opt to reside in Chechnya receive a maximum of 350,000 roubles (\$11,000) and maintain ownership of their property, while those who opt to settle elsewhere and forego ownership of their property receive a maximum of 125,000 roubles (\$4,000). Overall some 57,000 people had received compensation in Chechnya by mid-2009 (UNHCR, 20 August 2009). The number who had received compensation outside of Chechnya was not available.

These programmes have not solved the housing problems of IDPs. The fixed compensation for destroyed property in Chechnya has been increasingly insufficient to rebuild original housing or buy new housing. Also, only owners of fully destroyed homes have been entitled to compensation, and so owners of partially destroyed housing, tenants and occupants of employer-provided housing, and those who did not manage to buy their housing before the start of the conflict, are all disqualified. Payments have been slow and sometimes blocked, and recipients may be expected to pay at least half of the compensation as a kickback (Memorial, 3 August 2009). False applications have also further complicated the process. The Ombudsman's office in Chechnya has highlighted several inadequacies in the property compensation schemes (ODI, 28 February 2009), and the head of the republic's parliament has repeatedly ordered officials to speed up compensation payments (President and Government of the Republic of Chechnya, 2 February 2009 *and* 10 April 2009).

One positive development is that applicants no longer need to include their residence registration for the property destroyed in their application for compensation (President and Government of Republic of Chechnya, 2 February 2009). The Constitutional Court ruled in October 2008 that not being registered as resident in housing before its destruction could not serve as a basis for depriving an applicant of the right to social protection (Constitutional Court, 6 October 2008). While a press release on the issue was posted on the Chechen government website, it is unclear whether information on this has been disseminated to the public.

People with housing destroyed as a result of the conflict in North Ossetia are entitled to state assistance for housing and over 1,000 IDP families have received this assistance since March 2005. In contrast to the compensation scheme for property destroyed in Chechnya, state assistance is linked to inflation, and depends not on settlement location but rather on the size and cost of the destroyed house, the current cost per square metre of housing and the cost of construction materials, and the number of family members.

Lack of job opportunities

The lack of a stable income also continues to be a problem for IDPs and others. The republics of the North Caucasus have the highest poverty rates in the country. Conflict devastated Chechnya's industry, infrastructure and agriculture, and the official unemployment rate in Chechnya is still as high as 49 per cent (Ministry of Finance of Chechen Republic, 2009). The economy is slowly being re-established, though corruption and poor governance continue to present serious obstacles to full recovery (ECHO, 15 May 2009).

A positive development has been the restoration of the social benefit system across the region, which includes payments for children, veterans, and elderly, disabled and unemployed people. They are paid almost regularly and relatively reliably despite ensuing corruption (FEWER, 26 June 2009). However, an estimated 60 per cent of people who are entitled to assistance are reportedly either not receiving it or only in part because they are unaware of their entitlements or the process of obtaining them, or they are made to pay unlawful fees to receive the benefits (ODI, 28 February 2009).

Most IDPs in the region report that they live off social benefits, small trade, temporary construction work, humanitarian assistance and remittances from relatives living elsewhere (ODI, 28 February 2009). People explain that they must pay a bribe to get a job in construction or the civil service, and that there is little job security and salaries may not be paid. In rural areas, people work in construction and farming, but mainly at the subsistence level due to poor irrigation systems. Despite the difficulties of earning an income, fewer people are seeking work outside Chechnya and the North Caucasus due to continuing intolerance and discrimination against Chechens (ODI, 28 February 2009; Memorial, 26 May 2009).

Health care and education systems slowly returning to normal

Despite increased government funding, the health care system in Chechnya has still not been fully re-established. It broke down after the collapse of the Soviet Union and crumbled further as a result of the conflicts. The local Ministry of Health still does not have sufficient funds or capacity to provide adequate health care to the population. Medical facilities are poorly equipped, staff do not receive timely training, there are few specialists in villages and drugs are expensive. Preventive services with respect to the health of children, youth and women are not given priority.

IDPs reportedly do not face any particular difficulties in accessing medical services provided they have residence registration, though many cannot afford to pay for the services. While some IDPs have benefited from free medical consultations by Médecins Sans Frontières, those trying to use the government health care system have struggled to afford medical tests, drugs, special treatments or unofficial fees for consultations and prescriptions. As a result many illnesses go untreated, including HIV/AIDS and tuberculosis. In Dagestan, IDPs without residence registration cannot access health services, and a medical insurance policy is needed in order to use free medical services. Some have had to return to Chechnya, where they are registered as residents, to get a referral to a hospital in Dagestan. IDPs, as with other vulnerable residents, face difficulty in obtaining a certificate of disability from the Medical Commission in order to receive due benefits.

The impact of conflict on peoples' mental health is increasingly apparent, in the form of anxiety, post-traumatic stress disorder, and sleeping disorders. About 80 per cent of children in Chechnya reportedly need some form of psychological help (UNICEF, 2006). UNICEF reported that 15,000 children have benefited from 31 psycho-social centres, and more are to be established (UNICEF, 2009; UN, 29 January 2009). However, there is a shortage of specialists in this area (WHO, November 2008). IDPs outside of Chechnya report that the psychological trauma they suffered needs to be treated, but is ignored as psycho-social assistance is seen as a luxury. There are two medico-psychological rehabilitation centres for people with forced migrant status, in Moscow and Krasnodar (FMS, no date, information accessed August 2009).

All IDP children are entitled to free education within the mainstream school system throughout Russia. A small number of children in Chechnya do not go to school because of family issues, repeated change of residence, lack of residence registration or poverty (UNICEF, 2009). The main problems with schools are the lack of hot meals for children, lack of methodological literature and learning materials for teachers, inadequate training opportunities for teachers and a

high teacher-student ratio (UNICEF, 2009). Currently, the government is repairing 142 out of 437 schools in Chechnya.

The World Bank and the UN Children's Fund launched a \$2.1 million project for vulnerable young people in the North Caucasus in late 2008, after finding that the region had the highest rate of youth who were neither in school nor work in the country. The establishment of Child Rights Ombudsman's offices in the North Caucasus is a significant development, but their capacity to monitor and report on child rights-related violations could be strengthened.

Continuing reduction of international assistance

The role of international humanitarian organisations has decreased significantly in recent years due to diminished funding, the changing needs of the beneficiaries and government policy aimed at scaling back international humanitarian operations in the North Caucasus (FEWER, 26 June 2009). Donors had committed or pledged only about \$8 million in mid-2009, compared to almost \$25 million in 2008 (Relief Web, 7 September 2009). International organisations providing assistance to IDPs in the North Caucasus include UNHCR, UN Children's Fund, UN Development Programme, World Health Organization, Food and Agriculture Organization, International Committee of the Red Cross, Swiss Agency for Development and Cooperation, International Rescue Committee, World Vision, the Danish Refugee Council and the International Medical Corps. Local NGOs including the Caucasian Refugee Council, Memorial, Nizam and Vesta also target IDPs in their work. Between them they provide legal counselling, housing, income-generation opportunities, agriculture support, infrastructure reconstruction, school meals and medical assistance in addition to general monitoring and support for local NGO capacity strengthening. UNHCR is an observer on the "Public Council on Safeguarding of Rights and Freedoms of People and Citizens of the Chechen Republic" in Grozny and at the district level.

European institutions have also remained engaged on IDPs and human rights in Russia. In mid-2009 the Council of Europe adopted a recommendation on IDPs in Europe. It called on member states with internally displaced populations, such as Russia, to fully respect the right of IDPs to voluntarily choose their settlement location, to more vigorously pursue reconciliation processes, find adequate housing solutions for the most vulnerable IDPs and monitor the sustainability of their return, settlement and relocation elsewhere (CoE, 24 June 2009). Also in 2009, the Council of Europe's anti-torture committee visited the North Caucasus for the eleventh time, and the Commissioner for Human Rights visited Ingushetia and Chechnya following the killings of human rights activists. The European Union is still the leading donor in the North Caucasus and has held multiple consultations with Russia on human rights and a new Partnership and Cooperation Agreement. The European Parliament has recommended that the renewal of the Agreement should be used as an opportunity to press for an improvement of the human rights situation in the country (European Parliament, 2 April 2009) and have an operable human rights clause (European Parliament, 1 October 2009). The European Parliament has also passed a number of resolutions on human rights and the rule of law in Russia and held public hearings and events on the same issues.

РЕЗЮМЕ ПРОФИЛЯ НА РУССКОМ ЯЗЫКЕ

Россия: усилия правительства помогут только некоторым ВПЛ восстановить свою жизнь

Российская Федерация: по-прежнему необходим мониторинг ВПЛ и лиц, возвращающихся в место происхождения

По меньшей мере 80,000 человек в России по-прежнему являются лицами, перемещенными внутри страны – спустя почти 15 лет после того, как они были вынуждены покинуть свои дома. В то время как крупномасштабные военные действия закончились несколько лет назад, на Северном Кавказе все еще распространено насилие и продолжаются нарушения прав человека, при этом виновники остаются безнаказанными. Экономическая ситуация в Чечне улучшается, и в Грозном видны впечатляющие результаты восстановительных работ, но коррупция и слабое местное самоуправление по-прежнему замедляют полное восстановление.

Более 275,000 лиц, перемещенных внутри страны (ВПЛ) возвратились в Чечню и Северную Осетию в основном после 1999 года, но большинство продолжает проживать в неудовлетворительных временных жилищах. Некоторые из возвратившихся в Чечню сообщают об оказанном на них давлении со стороны местных властей с целью заставить их вернуться, но обещания относительно подходящего жилья так и не были выполнены, а программы компенсации были недостаточны для финансирования постоянного жилья.

ВПЛ и возвращающимся лицам не хватает также стабильного дохода, а некоторые все еще сталкиваются с трудностями получения и восстановления документов, необходимых для осуществления их экономических, социальных и политических прав. Отсутствие документов ограничивает шансы ВПЛ на получение компенсации за имущество, субсидий на коммунальные услуги, полное пенсионное обеспечение и другие социальные выплаты, а также возможности проведения юридических операций. Необходим постоянный мониторинг ВПЛ и возвращающихся лиц с тем, чтобы они полностью пользовались своими правами наравне с их непеременными соседями.

Предпосылки перемещения

Перемещение внутри страны в России в основном является результатом вооруженного конфликта и актов насилия в Чеченской Республике (Чечне) и в Республике Северная Осетия-Алания (Северная Осетия).

Вооруженный конфликт в 1992 г. между этническими ингушскими и осетинскими боевиками из-за спорной территории в Северной Осетии был первым вооруженным конфликтом в России после развала Советского Союза. Большинство ингушей, проживавших в Северной Осетии и насчитывавших примерно от 35 тыс. до 64 тыс человек, были насильно перемещены из своих домов во время пятидневного конфликта («Хьюман райтс уотч» (HRW), 31 мая 1996).

В Чечне более 800 тыс. человек оказались перемещенными в результате двух войн, некоторые из них – неоднократно (ПРООН, 30 сентября 2005). Федеральные войска впервые вошли в Чечню в 1994 г. с целью подавления движения за независимость и были выведены после подписания мирного соглашения в 1996 г. Они возвратились в 1999г. для участия в “антитеррористической” операции, после

того как боевики потребовали создания исламского государства на Северном Кавказе и после взрывов жилых домов в нескольких российских городах.

В то время как крупномасштабные боевые действия закончились, остались проблемы полного урегулирования конфликтов и их последствий. Москва заявила в 2007 г. об урегулировании ингушско-осетинского конфликта, а в 2009 г. объявила об окончании десятилетней “антитеррористической” операции в Чечне. Однако остались проблемы урегулирования разногласий между общинами, затронутыми этими конфликтами.

2009 год: эскалация насилия и безнаказанность нарушений прав человека

Небезопасная ситуация на Северном Кавказе по-прежнему представляет угрозу для граждан и препятствует долгосрочному решению проблем ВПЛ. Случаи насилия участились в 2009 г. по мере усиления активности боевиков и ответных действий со стороны правительственных войск (NYT, 30 августа 2009; HRW, 3 сентября 2009; CSIS, 31 августа 2009). Большинство случаев насилия происходило в Ингушетии, где боевики выбрали своей мишенью высокопоставленных правительственных лиц и сотрудников правоохранительных органов. Нарушения прав человека продолжались также в Чечне и включали применение пыток и плохое обращение в местах лишения свободы, казни без суда и следствия, произвольные и тайные содержания под арестом, принудительное исчезновение и карательные сожжения домов («Международная амнистия» (AI), 1 июля 2009; HRW, 2 июля 2009). Людям, разоблачающим эти случаи, угрожали, их преследовали и убивали, что затрудняло отчетность о нарушениях прав человека в Чечне (HRW, 4 сентября 2009; RFE/RL, 20 августа 2009).

В то время как президент Медведев призвал расследовать убийства правозащитников и наметил план проведения более эффективной борьбы с атаками боевиков, фактически отсутствует наказание для лиц, нарушающих права человека на Северном Кавказе. Проживающие в регионе люди в основном избегают юридических процедур, которые являются длительными, дорогими и подвержены коррупции (ODI, 28 февраля 2009). Решения суда не всегда приводятся в исполнение, а независимость судебной системы также подвергается сомнению (CoE, 8 июня 2008; ООН, 29 мая 2008). Жертвы нарушений прав человека и их семьи, сообщающие о таких случаях, сталкиваются с тяжелым бременем представления доказательств, а часто и с угрозами, преследованием и даже нападениями из-за мести. Европейский суд по правам человека признал Россию ответственной за нарушения прав человека по более чем 100 заявлениям со стороны жертв и их семей, которым не удалось добиться справедливости в России, и несмотря на то что Россия оплатила полностью компенсацию заявителям, никто не был наказан за преступления и до сих пор не существует официальной и полной базы данных относительно лиц, пропавших без вести и неопознанных тел, также как и политики по эксгумации и идентификации тел, найденных в более чем в 60 массовых захоронениях в Чечне (Омбудсмен Чечни, 16 апреля 2009; Вести, 10 июня 2009).

Количество ВПЛ и возвращающихся лиц

В России отсутствуют официальные цифры относительно количества ВПЛ или возвращающихся лиц. Правительство подсчитывает количество людей, бежавших

из Чечни или Северной Осетии в другие части России и получающих право на статус “вынужденных мигрантов “ в соответствии с Законом о вынужденных мигрантах. Правительственная Федеральная миграционная служба (ФМС) также подсчитывает ВПЛ, нуждающихся в срочной помощи. В других случаях информацию о количестве ВПЛ в Чечне, Ингушетии и Дагестане собирают неправительственные источники.

Правительство сообщило, что в списки ФМС включено примерно 6500 человек, нуждающихся в помощи, и около 16 тыс. человек со статусом вынужденного мигранта. Списки ФМС включают почти 3900 человек, перемещенных внутри Северной Осетии. Последние ВПЛ в списке по Чечне и Ингушетии были сняты с учета в 2007 г. и в 2009 г. соответственно. Что касается статуса вынужденного мигранта, то 3800 человек перемещены из Северной Осетии, 4800 человек перемещены из Чечни в Ингушетию (УВКБ ООН, 20 августа 2009) и почти 7500 человек, перемещенных из Чечни за пределы Северного Кавказа (Правительство Российской Федерации, 1 июля 2009) все еще имели статус ВПЛ в середине 2009 г.

Однако по подсчетам УВКБ ООН в 2009 г. на Северном Кавказе по-прежнему проживало 74 тыс. ВПЛ, включая 54 тыс. человек по-прежнему перемещенных внутри Чечни, около 10 тыс. ВПЛ, перемещенных из Чечни в Ингушетию и около 4 тыс. ВПЛ, перемещенных из Чечни в Дагестан (УВКБ ООН, 20 августа 2009). Около 4000 ВПЛ из Северной Осетии проживают во временных поселениях в Ингушетии и почти 2000 в Северной Осетии (УВКБ ООН, 20 августа 2009). Данные из неправительственных источников относительно количества ВПЛ, проживающих за пределами Северного Кавказа, отсутствуют.

Что касается возвращающихся лиц, то по данным правительства в Чечню возвратились около 255 тыс. человек в период с 1999 г. по 2009 г. (Правительство Чеченской Республики, 24 марта 2009). До 60% возвратились в свои бывшие дома или квартиры, а остальные проживают с родственниками (Правительство Чеченской Республики, 27 марта 2009). Некоторые из возвратившихся были снова перемещены в пределах Чечни в худшие жилищные условия в места второго или третьего перемещения. По данным УВКБ ООН нехватка постоянного жилья и стабильной работы остаются основным препятствием к возвращению в Чечню (ООН, 1 июля 2009). Однако ВПЛ из Южной Чечни указали на продолжающееся отсутствие безопасности и полученную в результате конфликта травму в качестве дополнительных препятствий к их возвращению.

Более 25 тыс. человек возвратились в Северную Осетию с 1994 г. при помощи правительства (ООН, 20 августа 2009). Возвращающиеся лица живут или в новых домах, или в автоприцепах на своей земле, где идет строительство. Некоторые ВПЛ из Северной Осетии остались перемещенными, поскольку их старые дома теперь располагаются в ограниченной «водоохранной зоне» или в местах, подверженных затоплению, хотя правительство предложило некоторым из этих ВПЛ земельные участки в Пригородном районе. Существующее напряжение (особенно после террористической атаки на школу в Беслане в 2004 г.) и захват домов ВПЛ другими лицами также препятствовали возвращению ВПЛ в некоторые районы.

Трудности при получении документов

Многим ВПЛ так и не был предоставлен статус вынужденного мигранта, а другие лишились его, хотя перед ними все еще стояли связанные с перемещением проблемы. Статус действителен в течение пяти лет и может продлеваться на ежегодной основе в случае, если у заявителя существовали препятствия при «поселении на новом месте жительства». В некоторых случаях этот пункт интерпретировался слишком узко, и ВПЛ, получившие компенсацию за потерю имущества, теряли статус даже в случаях, когда компенсации было недостаточно для приобретения жилья. Этнические чеченцы столкнулись с особыми трудностями при получении статуса вынужденного мигранта, поскольку некоторые официальные лица отклоняли их заявления на основании того, что они покинули Чечню не по причине этнической дискриминации, и поэтому могут спокойно возвращаться.

ВПЛ постепенно исключались из списков помощи ФМС и иногда подвергались давлению с целью заставить их вернуться. В Чечне правительство в 2007 г. исключило из списков оставшихся получателей помощи, а в Ингушетии оставшиеся 3100 получателей были исключены из списков в 2009 г. (Мемориал, 26 мая 2009; МНГ, 14 апреля 2009). Некоторые ВПЛ в Ингушетии сообщили об их исключении из списков, поскольку они подписали заявления о возвращении в Чечню из-за угроз о прекращении выплат пособий на детей, пенсий и пособий по безработице. Некоторые ВПЛ отказались подписывать заявление о возвращении, но затем им объявили об исключении из регистра на основании сообщения ФМС о том, что они не проживают в предоставленном правительством «временном поселении». Некоторые обратились с судебными исками, но столкнулись с проблемой предоставления доказательств того, что они подписали формы под давлением (Мемориал, 26 мая 2009). Представители ФМС посетили Чечню и Ингушетию в 2009 г. с целью изучения вообщий ситуации ВПЛ, но их выводы не были преданы гласности (Правительство Российской Федерации, 1 июля 2009 и 12 февраля 2009).

Регистрация в качестве постоянного жителя по месту перемещения все еще представляет проблему для многих ВПЛ. Домовладельцы неохотно их регистрируют и часто (незаконно) требуют оплаты за коммунальные услуги за год вперед. Для получения пособий большинство незарегистрированных ВПЛ должны возвращаться в места их постоянной прописки. Большинство ВПЛ в Чечне живут сейчас в районе постоянной прописки, где они имеют доступ к медицинскому обслуживанию или образованию, однако некоторые из них сталкиваются с проблемами доступа к социальным пособиям. В Дагестане, по крайней мере 74% ВПЛ из Чечни не имеют временной прописки, что ограничивает их доступ к таким правам как медицинское обслуживание, официальная работа и пенсия.

Восстановление документов, потерянных во время бегства или уничтоженных во время конфликта (часть архивов была сожжена во время конфликта в Чечне) все еще представляет проблему для ВПЛ, ограничивая для них возможности проведения юридических операций и подачи заявлений для компенсации за жилье, предоставления субсидий на коммунальные услуги, полной пенсии и других социальных пособий. В Чечне ВПЛ могут получить новые документы в случае, если их заявление подтвердят двое свидетелей, но, по сообщениям, поиски бывших соседей или свидетелей занимает много времени, а сам процесс обременителен. Для получения уцелевших в конфликте документов ВПЛ должны

ездить в различные учреждения в Чечне, представить обширную документацию, дать взятки и пройти через обременительные процедуры (ODI, 28 февраля 2009).

Нехватка постоянного жилья

Во время двух войн в Чечне произошло массовое разрушение жилья и инфраструктуры. По оценкам, более 110 тыс. домов и около 50 тыс. квартир в Грозном были полностью или частично разрушены (ODI, 28 февраля 2009). Некоторые дома оставались без ремонта в течение 14 лет. Международные организации построили или отремонтировали более 20 тыс. домов в Ингушетии и Чечне с 2000 г. (ООН, 1 мая 2009), но около 60 тыс. человек в Чечне, Ингушетии, Дагестане и Северной Осетии по-прежнему нуждались в постоянном жилье в 2009 г. (ООН, 1 июля 2009).

ВПЛ и возвращающиеся лица проживают в предоставленных правительством «общежитиях», в частном съемном жилье или с родственниками. В середине 2009 г. около 4600 ВПЛ в Чечне проживали в 17 общежитиях, около 3000 человек проживали в более чем 60 общежитиях в Ингушетии, более 300 человек жили в 8 общежитиях в Дагестане и неизвестное количество людей проживали в общежитиях в Северной Осетии (УВКБ ООН, 20 августа 2009). За пределами Северного Кавказа 15 общежитий обеспечивают жильем людей со статусом вынужденного мигранта (ФМС, без даты, информация получена в августе 2009). По оценкам, 50 тыс. ВПЛ в Чечне и 8500 ВПЛ в Ингушетии живут в частном секторе или с родственниками. В Северной Осетии по крайней мере 100 внутренне перемещенных семей получили участки земли и правительство субсидирует строительство домов в специально построенном поселении Новый. В Дагестане для ВПЛ, которые в начале нашли приют в неофициальном лагере, были предоставлены земельные участки, строительные материалы и денежные дотации.

Общежития для ВПЛ постепенно закрываются. За пределами Северного Кавказа, в Пятигорске, например, ВПЛ получили несколько предупреждений подряд покинуть общежития и были выселены без предоставления альтернативного жилья. В Чечне закрытие общежитий увеличилось в конце 2007 г., а в 2008 г. и к середине 2009 г. около 1500 семей покинули или были выселены из общежитий. Правительство сообщает, что жильцы были уведомлены о закрытии общежитий за несколько месяцев, но многие жильцы заявили, что с ними не консультировались должным образом и их заставили выехать без соответствующей процедуры или гарантированного альтернативного жилья (AI, 1 июля 2009; Мемориал, 7 апреля 2009; Мемориал, 26 мая 2009). В 2009 г. ФМС прервала контракты с 22 общежитиями в Ингушетии на основании соглашения между президентами Чечни и Ингушетии о возвращении ВПЛ в Чечню. Местные власти соответственно приняли указ о закрытии этих общежитий. Напротив, на ВПЛ из Северной Осетии не оказывалось давление покинуть Ингушетию, хотя власти активно не содействовали их интеграции.

Правительство предложило различные варианты жилья для ВПЛ, выезжающих из общежитий в Чечне. Они включали в себя квартиры и земельные участки, а также деньги на оплату аренды и гарантийное письмо на получение жилья из городского жилого фонда. В 2008 г. более 3000 человек или почти 700 семей получили возможность варианта жилья, при этом половина из них также получила

18 тыс. рублей (570 долл.США) для оплаты аренды в течение шести месяцев, 2 тыс. рублей (65 долл. США) на транспортировку и гарантийное письмо на получение государственного жилья. Однако, только семь семей получили квартиры на основании гарантийного письма к середине 2009 г. В сельских районах ВПЛ были переведены в общежития или им были предоставлены земельные участки ввиду отсутствия денег на реконструкцию домов или на обеспечение удобствами.

Решению жилищной проблемы для ВПЛ в Чечне мешают несколько проблем. Иногда на квартиры претендуют несколько семей, а некоторые квартиры требуют капитального ремонта (AI, 1 июля 2009; Мемориал, 26 мая 2009). ВПЛ говорят, что 18 тыс. рублей недостаточно для аренды квартиры на шесть месяцев в Грозном, а гарантийное письмо не является юридическим документом и в нем не указан срок его действия (Мемориал, 26 мая 2009; CoE, 29 сентября 2009). Жилищные условия в общежитиях в сельской местности особенно убоги, а многим уязвимым ВПЛ не хватает денег или физических возможностей для строительства на предложенных им участках даже при наличии строительных материалов.

Федеральные органы в 2008 г. предложили создание нового механизма предоставления жилья людям, выселенным в результате конфликта в Чечне, но к 2009 г. не было сообщений о прогрессе (Правительство Российской Федерации, 31 декабря 2008).

Компенсация за потерю имущества является неэффективным средством

Люди, чье жилье было разрушено во время конфликта, имеют право на компенсацию или помощь. В случае, если жилье было разрушено в Чечне, те, кто выбирает проживание в Чечне получают максимум 350 тыс. рублей (11 тыс. долл. США) и продолжают владеть своим жильем, а те, кто выбрал проживание в другом месте и отказываются от своего жилья получают максимум 125 тыс. рублей (4 тыс. долл. США). В общей сложности, около 57 тыс. людей получили компенсацию в Чечне к середине 2009 г. (УВКБ ООН, 20 августа 2009). Сведения о количестве получивших компенсацию за пределами Чечни отсутствуют.

Данные программы не решили жилищные проблемы ВПЛ. Фиксированная компенсация за разрушенное жилье все в большей степени является недостаточной для восстановления своего жилья или приобретения нового. Кроме того, только владельцы полностью разрушенного жилья имеют право на компенсацию, так же, как и владельцы частично разрушенного жилья, а съемщики или жильцы в служебных домах, или те, кто не смог приобрести жилье до начала конфликта, лишены такого права. Выплаты производятся с задержкой, иногда они блокируются и подразумевается, что, крайней мере, половину компенсации получатель может выплатить в качестве взятки (Мемориал, 3 августа 2009 г.). Ложные заявители еще больше усложнили процесс. Офис Омбудсмана в Чечне выделил ряд несоответствий в схемах компенсации за жилье (ODI, 28 февраля 2009), а руководитель парламента Республики неоднократно приказывал официальным лицам ускорить выплаты компенсаций (Президент и правительство Республики Чечня, 2 февраля 2009 и 10 апреля 2009).

Позитивным сдвигом является то, что заявителям не нужно больше в заявке на компенсацию указывать прописку в разрушенном жилье (Президент и правительство Республики Чечня, 2 февраля 2009). Конституционный суд

постановил в октябре 2008 г., что отсутствие прописки в жилье до его разрушения не может служить основанием для лишения заявителя права на социальную защиту (Конституционный суд, 6 октября 2008). В то время как пресс-релиз по данному вопросу был размещен на вебсайте чеченского правительства, неясно, будет ли данная информация доведена до общественности.

Люди, чьи дома были разрушены в результате конфликта в Северной Осетии, имеют право на государственную помощь при получении жилья и более 1000 семей ВПЛ получили эту помощь с марта 2005 г. В отличие от схемы компенсации за разрушенное жилье в Чечне, государственная помощь связана с инфляцией и зависит не от местоположения, а от размера и стоимости разрушенного дома, сегодняшней стоимости квадратного метра жилья и стоимости строительных материалов, а также количества членов семьи.

Нехватка рабочих мест

Отсутствие стабильного источника дохода также остается проблемой – для ВПЛ и других лиц. В республиках Северного Кавказа отмечены самые высокие показатели бедности в стране. Конфликт подорвал промышленность, инфраструктуру и сельское хозяйство Чечни, а официальный уровень безработицы по-прежнему достигает 49 % (Министерство финансов Чеченской Республики, 2009). Экономика понемногу восстанавливается, хотя коррупция и недостатки управления продолжают оставаться серьезными препятствиями на пути полного восстановления (ЭХО, 15 мая 2009).

Среди позитивных сдвигов – восстановление во всем регионе системы социального обеспечения, включающей выплаты детям, ветеранам, а также престарелым, инвалидам и безработным. Выплаты им производятся почти регулярно и практически без нарушений, несмотря на связанную с этим коррупцию (FEWER, 26 июня 2009). Тем не менее, по оценкам, 60 % лиц, имеющих право на помощь, либо не получают ее вообще, либо получают лишь частично в силу того, что не осведомлены о своих правах на эти пособия или о процессе их получения, либо их заставляют платить незаконные поборы за получение этих пособий (ODI, 28 февраля 2009).

Большинство ВПЛ и регионе сообщают о том, что живут на социальные выплаты и пособия, за счет мелкой торговли, временной строительной работы, гуманитарной помощи и денежных переводов от живущих за пределами региона родственников (ODI, 28 февраля 2009). Люди объясняют, что вынуждены платить взятки за возможность получить работу на стройке или в госструктуре, и что гарантии сохранить работу практически отсутствуют, а зарплата может не выплачиваться. В сельской местности люди работают на стройках и фермерских хозяйствах, но в основном на уровне поддержания существования из-за плохих систем орошения. Несмотря на трудности получения дохода, немногие ищут работу за пределами Чечни и Северного Кавказа из-за продолжающихся проявлений нетерпимости и дискриминации в отношении чеченцев (ODI, 28 февраля 2009; Мемориал, 26 мая 2009).

Системы здравоохранения и образования медленно приходят в норму

Несмотря на увеличение финансирования со стороны государства, система здравоохранения Чечни все еще не восстановлена полностью. Она была подорвана после развала Советского Союза и рухнула окончательно в результате конфликтов. Местное Министерство здравоохранения по-прежнему не имеет достаточных средств и возможностей для обеспечения населения адекватными медицинскими услугами. Медицинские службы плохо оснащены, персонал не получает своевременной подготовки, в деревнях не хватает специалистов, а лекарства дороги. Профилактические службы для охраны здоровья детей, молодежи и женщин не получают приоритетного внимания.

По сообщениям, ВПЛ не сталкиваются с какими-либо особыми трудностями при получении доступа к медицинским услугам, если они имеют соответствующую прописку – хотя многие не в состоянии платить за эти услуги. В то время как некоторые ВПЛ воспользовались бесплатными медицинскими консультациями организации «Врачи без границ», те из них, которые попытались воспользоваться услугами государственной службы здравоохранения, столкнулись с проблемами оплаты медицинских анализов, медикаментов, специального лечения – либо неофициальных поборов за консультации и рецепты на лекарства. В результате многие заболевания остаются без лечения, в том числе ВИЧ/СПИД и туберкулез. В Дагестане не имеющие прописки ВПЛ не имеют доступа к услугам здравоохранения, а для пользования бесплатными медицинскими услугами требуется медицинская страховка. Некоторым приходилось вернуться в Чечню, где они официально зарегистрированы, чтобы получить направление в больницу в Дагестане. ВПЛ, как и другие уязвимые категории населения, сталкиваются с трудностями при получении удостоверения об инвалидности, выдаваемого Медицинской комиссией, которое дает право на получение соответствующих льгот.

Все более очевидным становится воздействие конфликтов на психическое здоровье людей, проявляющееся в виде беспокойства, посттравматического стресс-синдрома и нарушений сна. По имеющимся сведениям, около 80 % детей в Чечне нуждаются в том или ином виде психологической помощи (ЮНИСЕФ, 2006). ЮНИСЕФ сообщает, что 15 000 детей воспользовались услугами 31 центра психосоциальной помощи, и что необходимо увеличить число таких центров (ЮНИСЕФ, 2009; ООН, 29 января 2009). Однако в этой области наблюдается нехватка специалистов (ВОЗ, ноябрь 2008). ВПЛ за пределами Чечни сообщают о том, что перенесенная ими психологическая травма нуждается в лечении, но она игнорируется, поскольку психосоциальная помощь считается роскошью. Существуют два центра медико-психологической реабилитации для людей со статусом вынужденного переселенца – в Москве и Краснодаре (ФМС, без даты, информация получена в августе 2009).

Все ВПЛ детского возраста имеют право на образование в рамках всероссийской общей системы школьного образования. Небольшое число детей в Чечне не посещают школу из-за проблем в семье, частой смены места жительства, отсутствия прописки или бедности (ЮНИСЕФ, 2009). Основные проблемы школ – отсутствие горячего питания для детей, нехватка методологической литературы и методико-обучающих материалов для учителей, недостаток возможностей для переподготовки учителей и высокое соотношение числа учеников и учителей. (ЮНИСЕФ, 2009). В настоящее время правительство осуществляет ремонт в 142 из 437 школ Чечни.

Всемирный банк и Детский фонд ООН в конце 2008 года начали осуществление проекта стоимостью 2,1 миллиона долл. США для уязвимых молодых людей Северного Кавказа, после того как обнаружили, что в этом регионе самый высокий в стране процент не посещающей школу и нигде не работающей молодежи. Учреждение на Северном Кавказе управления омбудсмана по правам ребенка является значимым событием, но его возможности в области мониторинга и регистрации нарушения прав детей нуждаются в укреплении.

Международная помощь продолжает сокращаться

Роль международных гуманитарных организаций в последние годы значительно сократилась из-за уменьшения финансирования, изменившихся потребностей бенефициариев и политики правительства, направленной на сокращение масштабов международной гуманитарной деятельности на северном Кавказе (FEWER, 26 июня 2009). Доноры выделили в виде обязательств или обещаний только 8 миллионов долл. США по состоянию на середину 2009 года, по сравнению с почти 25 миллионами в 2008 году (Relief Web, 7 сентября 2009). Международные организации, предоставляющие помощь ВПЛ на Северном Кавказе включают УВКБ ООН, Детский фонд ООН, Программу развития ООН, Всемирную организацию здравоохранения, Продовольственную и сельскохозяйственную организацию Объединенных наций, Международный комитет Красного Креста, Швейцарское агентство по развитию и сотрудничеству, Международный комитет спасения, Уорлд Вижн, Датский совет по делам беженцев и Международный медицинский корпус. Местные НПО, включая Кавказский совет по делам беженцев, Мемориал, Низам и Веста, также направляют свою работу на решение проблем ВПЛ. Совместными усилиями они предоставляют услуги по юридическому консультированию, предоставлению жилья, созданию возможностей для заработка, сельскохозяйственную помощь, услуги в области реконструкции инфраструктуры, обеспечения питанием в школах и медицинские услуги, в дополнение к мониторингу и поддержке для усиления потенциала местных НПО. УВКБ ООН имеет статус наблюдателя при Общественном совете по оказанию содействия в обеспечении прав и свобод человека и гражданина Чеченской Республики в Грозном и на уровне районов.

Европейские институты также продолжают уделять внимание проблемам ВПЛ и прав человека в России. В середине 2009 года Совет Европы принял рекомендацию относительно ВПЛ в Европе. Он призвал государства-члены с населением, перемещенным внутри страны – таких, как Россия – полностью соблюдать право ВПЛ на свободный выбор своего места проживания, более энергично способствовать процессу урегулирования разногласий, осуществлять поиск решений для адекватного обеспечения жильем наиболее уязвимых ВПЛ и осуществлять мониторинг устойчивости их возвращения, обустройства и перемещения в другие места (Совет Европы, 24 июня 2009). Так же в 2009 году комитет против пыток Совета Европы в одиннадцатый раз посетил Северный Кавказ, а Комиссар по правам человека посетил Ингушетию и Чечню после убийств правозащитников. Европейский Союз, по-прежнему ведущий донор на Северном Кавказе, провел с Россией многочисленные консультации по вопросам прав человека и нового Соглашения о партнерстве и сотрудничестве. Европейский парламент рекомендовал, чтобы возобновление этого Соглашения было использовано как возможность для ускорения улучшения ситуации с правами

человека в стране (Европарламент, 2 апреля 2009) и для обеспечения жизнеспособного условия для соблюдения прав человека (Европарламент, 1 октября 2009). Европейский парламент также принял ряд резолюций по правам человека и соблюдению законности в России, а также провел публичные слушания и мероприятия по тем же вопросам.

CAUSES AND BACKGROUND

The conflicts in Chechnya

Displacement from Chechnya to areas outside of north Caucasus (Special report, 2008)

- Non-ethnic Chechens started fleeing Chechnya before ethnic Chechens
- In total, about 600,000 ethnic and non-ethnic Chechens fled Chechnya
- Chechnya is being rebuilt, but the security situation is still volatile
- Many IDPs do not want to return and those living outside of the North Caucasus are struggling to integrate

IDMC Special report, 2008:

"In an atmosphere of instability and violence leading up to the first separatist conflict in Chechnya in 1994, some 100,000 non-ethnic Chechens fled to other parts of the Russian Federation. People continued to flee until the conflict ended in 1996, and again when a second conflict erupted in 1999. In total, perhaps 600,000 people, including ethnic Chechens, have been forced out of Chechnya from 1991 to the present. In addition, some 40,000 people also fled to other areas of the Russian Federation following inter-ethnic conflict in North Ossetia in 1992...

Although more than 57,000 IDPs, mainly ethnic Chechens, have returned to Chechnya, the IDPs that are the subject of this report were generally unwilling to return to Chechnya. They do not believe it is safe there and have opted to integrate in areas to which they had fled or resettled. UNHCR confirmed in 2007 that insecurity in the north Caucasus still influenced the return of IDPs to Chechnya and UNHCR operations there. Also highlighting the insecurity and continuing human rights abuses in Chechnya, the European Council of Refugees and Exiles (ECRE) advocated that return of IDPs to Chechnya or other areas of the Russian Federation should not be encouraged.

The federal and regional governments have made efforts to improve the situation of IDPs living in and beyond the north Caucasus. They enacted legislation including the 1993 federal law on forced migrants, which sets out the entitlements and duties of IDPs and the rules for government assistance. In the framework of this law, they transported IDPs out of Chechnya and provided housing in temporary accommodation centres where they were available. The federal government has also paid compensation for lost or destroyed property to 39,000 families and has more recently included IDPs with forced migrant status in a federal housing programme. Government assistance to IDPs has been hampered by lack of funds, inconsistent implementation of legislation, high staff turnover at the Federal Migration Service and the low awareness of IDPs of how to exercise their rights.

Nonetheless, IDPs from Chechnya living outside of the north Caucasus are still struggling to settle at their current places of residence. Their situation is little known outside Russia as they have long had no contact with or humanitarian assistance from UN agencies and international NGOs. In order to obtain current information on their situation, IDMC conducted a three-week visit to the Russian Federation in March 2008 to determine the situation of IDPs living in seven places outside the north Caucasus: Moscow; Saint Petersburg; Veliki Novgorod; Pyatigorsk; Rostov;

Volgograd and the Serebrianniki temporary accommodation centre in the Vishni Volochek district of Tver oblast. The locations were chosen based on the presence of IDPs and lawyers assisting them and their varying distances from the north Caucasus".

Background to the first conflict in Chechnya

- Chechen leader Dzhohar Dudayev proclaimed independence from Russia in 1991 after the break-up of the Soviet Union
- A breakdown of law and order followed in Chechnya as a result of socioeconomic collapse and the autocratic leadership of Dudaev
- The political vacuum allowed criminal networks to control the burgeoning shadow economy and armed violence escalated as a result
- From 1994-1996, Russian troops fought to bring Chechnya back under control of the federal center
- Up to 400,000 people fled to other areas of Chechnya and the Russian Federation as a result of the conflict
- Federal forces withdrew following a 1996 cease-fire agreement after which Chechnya enjoyed substantial autonomy

FEWER, 26 June 2009:

"From the early 1990s onwards violence in the North Caucasus increased dramatically. The break-up of the Soviet Union was seen by local ethnic elites as an opportunity to cement their grip on political power and economic resources. The political vacuum was quickly filled by criminalised extra-systemic networks servicing or controlling a burgeoning shadow economy. These networks accepted no legal rules or traditional codes of behaviour. In Chechnya the situation was aggravated by the extreme nationalism and armed separatism, two wars, and finally a proliferation of terrorism."

BBC, 4 June 2007:

"In 1994 Russia sent its forces in a very poorly planned bid to bring the rebellious region back to heel. Early promises of a quick victory were soon silent as the Chechens put up fierce resistance to the Russian assault and the death toll mounted. Amid growing public outcry over rising losses in the Russian army, Moscow withdrew its forces under a 1996 peace agreement. The deal gave Chechnya substantial autonomy but not full independence. The Chechen chief of staff, Aslan Maskhadov, was elected president."

Hansen 1998, pp. 20-22:

"Chechnya experienced 21 months of warfare between December 1994, when some 40,000 Russian troops entered the rebellious republic, and August 1996 when a cease-fire took hold. An estimated 50,000 people, mostly civilians, were killed. Indiscriminate bombing and artillery attacks destroyed large areas of the Chechen capital Grozny in the first two months of the war, forcing up to 400,000 people to flee to other areas of Chechnya and to the frontier regions of Ingushetia, Dagestan, North Ossetia, and southern Russia. As the war continued into the surrounding countryside and southern mountain areas, entire villages were destroyed, resulting in further displacement.

The war was the most recent manifestation of the historical inability of Chechnya and Russia to find a workable modus vivendi. Chechnya's history over the past 200 years has been defined largely by Russian and Soviet attempts to subdue the Caucasus. In Czarist times, an uncontrolled northern Caucasus was considered to be Russia's Achilles' heel against incursions from the Persian and Ottoman Empires. From the second decade of the nineteenth century, Russian

armies began their push into the mountains meeting fierce, well-organized, and Islamicized Chechen resistance. During a 25 -year campaign of resistance led by the Imam Shamil between 1834-1859, Russian forces opted for a scorched earth strategy, destroying the lands and villages that gave the Chechen fighters sustenance and forcing the population to flee to the relative safety of the mountains. Russian armies won a titular military victory in 1859 with Shamil's capture, but resistance continued for the remainder of the century and well into the next. In modern times Shamil, who was an ethnic Avar from Daghestan, remains a venerated folk hero in both Chechnya and Daghestan.

Upon the collapse of the Russian Empire in 1917, Bolsheviks promised independence, cultural autonomy, and religious freedom to Chechens and others in the northern Caucasus. However, the Soviet Red Army consolidated its power in the Caucasus soon afterward. Forced collectivization and attempts at Russification led to renewed unrest and rebellion in Chechnya, culminating during the Stalinist 1930s with brutal repression, forced famine, mass arrests, exiles, and killings. Chechnya was united with Ingushetia as an ASSR in 1934. The Ingush and Chechens, who together comprise the Vainakh people, are ethnically related, speak a similar language, and often share kinship ties.

With the advent of World War II, as German forces advanced into the Caucasus, small numbers of anti-Soviet guerrillas mounted attacks against Soviet forces. This provided Stalin with a pretext to punish the 'unreliable' ethnic groups of the northern Caucasus. With great loss of life, Chechens and Ingush were deported en masse to Soviet Central Asia and other far reaches, and their lands were divided up among Russians, the Laks of Daghestan, and North Ossetians. The Chechens and Ingush remained in exile until 1957, when it was decreed by Khrushchev that they could return to their homes. The return was badly managed, however, and recurring clashes between the returnees and settlers continued for many years.

Perestroika in the late 1980s allowed for the resurgence and open expression of national identities in the Caucasus, leading in Chechnya as elsewhere to a declaration of independence from Russia. With Ingushetia opting to remain within Russia, Chechen leader Djohar Dudayev, a former Soviet Air Force General, proclaimed Chechen sovereignty on November 2, 1991, shortly before the collapse of the Soviet Union. Relations between the struggling democracy in Moscow and the Chechen capital Grozny were difficult from the outset. Moscow refused to recognize Chechnya's secessionist aspirations and mounted both covert and overt operations to weaken Dudayev's position and replace him with a more tractable regime.

In Chechnya, the pervasive socioeconomic ills brought about by the collapse of the Soviet system and Dudayev's own increasingly autocratic style of leadership sent the territory into a spiral of fragmentation and instability. These conditions were exacerbated by the emptying of jails, the proliferation of small arms, and burgeoning criminal activity. Like his successor Aslan Maskhadov, Dudayev's challenge was to impose a hierarchical state system atop a society more closely organized along lateral, clan-based relations. Amid a worsening breakdown of law and order, some 100,000 Russians, many of them holding highly skilled, essential jobs in Chechnya's infrastructure and industry, departed for more hospitable surroundings. Russian military leaders promised Yeltsin that Chechnya could be quickly subdued. Amid protests from Ingushetia and liberal circles in Moscow, a Russian invasion force was mustered in the northern Caucasus and entered Chechnya on December 11, 1994.

[...] Russia was given largely free reign by the international community in its prosecution of the war, in deference to Russian sovereignty and its key roles in other pressing international foreign policy issues. Fighting eventually ended in August 1996, following an all-out attack in Grozny on Russian forces, who were forced out in a humiliating defeat by a much smaller separatist force. Russian President Yeltsin's national security advisor at the time, former Soviet general Alexander Lebed, concluded a cease-fire agreement with the separatist leadership. The terms of the cease-

fire stipulated the withdrawal of Russian forces and a five-year hiatus for discussions on Chechnya's future political relationship with Russia."

See also *"Why did the 1997 peace agreement fail?," 11 May 2007, Radio Free Europe/Radio Liberty.*

Background to the second conflict in Chechnya

- The second conflict in Chechnya began in 1999 after Islamic extremists attacked Dagestan from Chechnya
- Federal troops returned to the North Caucasus as part of a "counter-terrorist operation" to defend the territory
- Local leaders loyal to Moscow were appointed in the region and a radical increase in federal subsidies followed
- Fighting continued in Chechnya, spread to other North Caucasus republics and is still ongoing
- Protection of human rights and the rule of law were ignored, which created recruits for the armed resistance

FEWER, 26 June 2009:

"In the late 1990s radical Salafist/'Wahhabi' newcomers to the region and their local supporters were apparently making plans for the creation of an independent Islamic state comprising Chechnya, Dagestan and, possibly, Karachay-Cherkessia and Kabardino-Balkaria. A determined and ruthless response from Moscow, including both political and military action, reinstalled federal power in the region, tackling the most dangerous forms of organised crime and terrorism. It was followed by radical increase in federal subsidies to Chechnya and other republics in the North Caucasus. The policy of peace building and post conflict reconstruction and stabilisation was backed by high oil prices and the emergence (or appointment) of loyal local leaders willing to capitalise on the new federal policy. However, little attention was paid to the protection of human rights and the rule of law. Crushing dissent and rebellion left scars in Caucasian collective memory and created scores of extremist recruits for underground armed resistance networks."

Grouping of NGOs, 8 February 2008:

"The current situation in the Northern Caucasus region of the Russian Federation was generated by the armed conflict between Russian federal forces and rebel fighters (boyeviki) in the Chechen Republic which commenced in 1999 and was officially labeled "the counter-terrorist operation". The hostilities began in 1999 when rebel fighters attacked the Republic of Dagestan from the territory of the Chechen Republic. Then the fighting continued on the territory of Chechnya. By the summer of 2000 the armed rebels of the self-proclaimed "Chechen Republic of Ichkeria" had been defeated and the conflict became a guerilla war. The zone of hostilities extended by the guerillas to the Republics of Ingushetia, Dagestan, North Osetiya-Alaniya and Kabardino-Balkariya in 2000-2005. The intensity of fighting increased in Ingushetia in 2007. Terrorist attacks were repeatedly committed by the rebels outside the Northern Caucasus."

Research Centre for East European Studies and Center for Security Studies, 5 June 2007:

"Over the past thirteen years, the Russian government has fought two brutal wars against separatist guerrillas in Chechnya, a small, landlocked republic adjoining Dagestan, Stavropol Krai, North Ossetia, and Ingushetia in Russia's North Caucasus region. The first war lasted from December 1994 until August 1996, when the two sides signed an armistice that led to a suspension of fighting and three years of de facto independence for Chechnya. This interregnum

came to an end in the latter half of 1999 when a series of events beginning with deadly incursions by Islamic extremists from Chechnya into neighboring Dagestan reignited large-scale warfare between Russian federal forces and Chechen guerrillas — a conflict that has continued ever since."

BBC, 4 June 2007:

"In August 1999, Chechen fighters crossed into the neighbouring Russian Republic of Dagestan to support a declaration by an Islamic body based there of an independent Islamic state in parts of Dagestan and Chechnya. This body also called on all Muslims to take up arms against Russia in a holy war. By now Vladimir Putin was Russian prime minister and Moscow was fast and firm in its reaction. Within a couple of weeks the rebellion was over. The late summer of the same year saw several explosions in Russia in which hundreds died. The Russian authorities did not hesitate to blame the Chechens. Mr Putin sent the army back to subdue the republic by force in a second brutal campaign which, despite Russian claims of victory, has yet to reach a conclusion."

Reuters, 11 April 2007:

"Aslan Maskhadov, who led the rebels during the 1994-1996 war, was elected Chechen president in 1997. Russia initially recognised the government, and a peace agreement was reached. It granted the region substantial autonomy but stopped short of full independence, so it soon broke down. Hardline Chechen rebels defied Maskhadov's leadership and launched cross-border attacks on neighbouring Dagestan to the east, sparking a Russian crackdown that has continued since 1999 [...] Armed pro-separatists still want self-rule, and sporadic fighting continues in the mountains and south of the republic. But Russia has scaled down its presence in Chechnya and left the local pro-Moscow government to stabilise the region."

See also ["Why did 1997 peace agreement fail?"](#), 11 May 2007, Radio Free Europe/Radio Liberty.

Prospects for peace (2009)

- Exiled Chechen resistance leader met the Chechen speaker of parliament for peace talks in 2009 and both committed to convene the World Chechen Congress
- These are the first peace talks in nine years and they have been approved by Russian President Medvedev and Prime Minister Putin
- Positive signs include economic development of the region, reconstruction in Chechnya, alleged decline in influence of rebels and government interaction with local civil society
- Factors standing in the way of peace include corruption, human rights abuses by law enforcement officials, high unemployment and the clampdown on moderate Islamic groups

Talks between Chechen government and resistance

The Moscow Times, 13 August 2009:

"In a groundbreaking move to resolve the ongoing conflict in Chechnya, the Chechnya Peace Forum has mediated the first talks in nine years to seek lasting political stability in the region. Last month, Akhmed Zakayev, the exiled prime minister of the unrecognized Chechen Republic of Ichkeria, and Dukvakhya Abdurakhmanov, the speaker of Chechnya's parliament, met in Oslo and spoke for the first time in public about their negotiations. As a direct result of these talks, a commitment to convene the World Chechen Congress was announced..."

Approved at the highest levels of the Russian leadership, this new dialogue is certainly a significant step toward a serious political discourse between the Kremlin's official representatives and the Chechen opposition. Abdurakhmanov made it clear in Oslo and again in London that his

talks with Zakayev were approved by both President Dmitry Medvedev and Prime Minister Vladimir Putin. This is of particular significance because now a direct and promising Russian-Chechen dialogue for Chechnya's future has started on an official level. It also represents a shift in Russia's approach for peace in the North Caucasus."

Signs of peace

FEWER, 26 June 2009:

"The following factors are conducive to stabilisation and lasting peace in the region:

□ Rapid economic growth in Russia in the past three years has had a visible and positive impact in the North Caucasus, especially in the West and North of the region. Krasnodar, Stavropol krais and the Rostov oblast now have considerable potential for economic development. This may be constrained by the current economic recession. However, the forthcoming Winter Olympics 2014 in Sochi, and preparations towards it, are expected to counter-balance the negative impact of the economic crisis in these localities as well as probably in Adygeya.

□ Reconstruction in Chechnya is ongoing and unfolds in a broadly positive way. Despite an unprecedented concentration of power and resources in the hands of Ramzan Kadyrov's clan (or perhaps because of it), internal divisions in Chechen society have been managed and reconstruction has moved forward. However, Kadyrov's forceful and autocratic methods, as well as continuing brutal repression of opponents remain a serious cause for concern.

□ The influence of the separatists and Salafists has diminished after signs of stabilization and reconstruction became visible in Chechnya and the republic ceased to be a centre of resistance to federal authorities. According to security officials just 480 militants are still operating in Chechnya now (Kadyrov's own assessment is 50-70 people, most of them mercenaries). The armed opposition is now a loose network of underground cells scattered across the region. Although radical nationalists and Salafists are still able to recruit, they have lost much of their support among the population as well as significant external funding.

□ Greater attention is paid to dialogue with the civil society for conflict prevention and development, especially in Ingushetia, where the civil unrest began to spiral out of control in 2007- 2008. Yunus-Beck Evkurov's policy is aimed at including opposition groups and religious youths into constructive dialogue, resolving blood feuds in a non-violent way through traditional negotiations, and improving employment, access to economic opportunities and benefits.

□ Civil society has benefited from grants awarded by the Russian government with selected social organisations serving as distributors of state funding."

Factors standing in the way of peace

Research Centre for East European Studies, Bremen and Center for Security Studies, ETH Zurich, 5 June 2007:

"Whether the relative calm in Chechnya can be transformed into a lasting and stable solution under Putin's successors is far from clear. For one thing, a number of grave problems continue to afflict the North Caucasus — pervasive corruption, the brutality of the local police and security forces, perennial government malfeasance, high levels of unemployment, a harsh clampdown on moderate Islamic groups, and the exploitation of ethnic tensions and intercommunal strife. These conditions have fueled extremism and political violence in republics like Ingushetia, Dagestan, and Kabardino-Balkaria..."

Swisspeace, 31 October 2006:

" What are the prospects for peace in Chechnya? Conflict dynamics suggest they are dim. While in official Russian discourse the situation in the war-torn republic is "normalizing", realities on the ground suggest otherwise. Continued violations of human rights, well documented in reports by

intergovernmental institutions such as the Parliamentary Assmby of the Council of Europe, respected non-governmental organizations such as Human Rights Watch, the Russian "Memorial" and others, nourish growing fear and distrust towards Russia and its proxies. The social fabric of the Chechen society is disintegrating and the economic infrastructure of the republic is in ruins. A new generation of Chechen youth, which has experienced nothing but war and devastation, has emerged. Terrorism is proliferating and evidence suggests that the conflict is spreading outside Chechnya proper."

The conflict in North Ossetia

Background to the conflict in North Ossetia

- Prigorodny district, an Ingush territory, was transferred to North Ossetia after Stalin deported the Ingush in 1944
- In 1957 the Ingush returned to the North Caucasus, many to Prigorodny district despite administrative and practical obstacles
- In 1992 the Ingush republic was created and conflict erupted over the status of Prigorodny district
- Up to 64,000 Ingush and 9,000 Ossetians were displaced as a result of the week-long conflict
- The conflict has still not been resolved and the atmosphere between Ingush and Ossetians remains tense

HRW, 25 June 2008:

"In November 1992, Ingush and the neighbouring Ossetians clashed over the disputed Prigorodny district, which both ethnic groups claimed as their own but which is officially a part of North Ossetia. The conflict brought about the destruction of a total of 2,728 Ingush and 848 Ossetian homes, and drove between 43,000 and 64,000 people from their homes."

IWPR, 30 March 2006:

"Stalin gave the Prigorodny district - originally an Ingush territory - to North Ossetia after he deported the Ingush and Chechen peoples en masse to Central Asia in 1944. When the Ingush republic was created in 1992, the lingering territorial dispute erupted into clashes between Ossetian and Ingush forces. Lasting just six days in October and November that year, the fighting killed at least 500 people. The ethnic Ingush fled, and although some have returned, many have been prevented from going back to their homes."

Open Democracy, 16 August 2009:

"The Ingushetia Autonomous Oblast with its capital in Vladikavkaz existed for just 10 years (1924-34) as part of the Russian Soviet Federative Socialist Republic. From 1934 Ingushetia was part of the Chechen-Ingush ASSR with its capital in Grozny (from 1934 to 1936 the Chechen-Ingush Autonomous Oblast). All that time the Ingush, who with the Chechens belong to the group of Vainakh peoples, shared the fate of the Chechens. By 1939 there were a total of 92,000 Ingush living in the Soviet Union, while there were over 408,000 Chechens. In 1944 both these peoples suffered a common tragedy - they were declared traitors and deported to Siberia and Kazakhstan. Approximately a third of the population died in the process and their autonomy was destroyed.

It was only in 1957, after a law on rehabilitation had been passed, that the Chechen-Ingush autonomous republic was restored and the Ingush and Chechens returned from exile. According

to data for 1959, there were a total of 56,000 Ingush and around 250,000 Chechens living in the RSFSR (and although the total number of them in the Soviet Union reached the figures of 1939 by 1959, only half of the Ingush and Chechens returned home). About one sixth of the former Ingush lands were not returned to the restored Chechen-Ingush autonomy: the greater part was transferred to North Ossetia. The largest area that became part of Ossetia in 1957 was the Prigorodny region. In 1944 around 30,000 Ingush were living there (almost a third of the ethnic group), accounting for over 90% of the population of the region.

After the deportation of the Ingush, the Prigorodny region and a number of other Ingush territories were settled by Ossetians from the mountainous part of South Ossetia. When the Malgobek and Nazran regions were returned to the Chechen-Ingush ASSR in 1957, the settlers from South Ossetia were not allowed to go back to Georgia. They had to make do with the Prigorodny region and this process continued after 1957 as well. By 1959 the population of the Prigorodny region was 63% Ossetian, 19% Russian and only 12% Ingush. (In 1990, Ingush made up 44% of the population of the region, or 17,500 people). Although the Ingush were not formally prohibited from returning to the region, the authorities de facto not only gave them no assistance, but actually prevented them from doing so. Many of the Ingush who were unable to return to the Prigorodny region, never saw their native villages again and settled in Grozny.

For almost 60 years the Ingush remained in the shadow of the more numerous Chechen people. All the major industries, higher education facilities and administrative buildings were located in Grozny. Ingushetia remained a primarily rural area throughout this time, and did not develop in any way. The Ingush intelligentsia was also mainly concentrated in Grozny or in Vladikavkaz. Formally rehabilitated, but still "unreliable", the Vainakhs were hardly ever allowed to take positions of leadership, or work in qualified positions in their own republic - and this affected the Ingush more than the Chechens.

When Chechnya declared independence in the autumn of 1991, the Ingush confirmed at a national referendum that Ingushetia was part of the Russian Federation and no longer belonged to the splinter Chechen-Ingush Republic. On 4 June 1992 the Supreme Council of the RSFSR passed the law "On the formation of the Ingush Republic as part of the Russian Federation". This had a lot to do with the understanding that if they seceded from Russia, the Ingush would lose any hope of getting back the Prigorodny region. In the spring of 1991 the Supreme Council of the RSFSR passed the law "On the rehabilitation of repressed people", which among other things recognised "their right to the restoration of territorial integrity".

However, the first law did not determine the administrative borders of the new territorial formation, and the second ("On rehabilitation") failed to lay down a procedure for the return of the territories. Georgia's claims on South Ossetia at the time of the collapse of communism led to a new wave of refugees into the Prigorodny region. All this effectively planted a time bomb that was to explode less than six months later when Ingushetia became involved in an armed conflict in the Prigorodny region of Northern Ossetia, the consequences of which in many ways still determine policies in the region. One of these consequences was a wave of refugees. Almost all ethnic Ingush were forced to leave the territory of North Ossetia. Ingushetia, which had a total population of around 170,000 in the national census of 1989, took in 30-60,000 people, which created huge problems for the republic...

The border with Ossetia was practically closed for the Ingush after this conflict. At the same time, neighbouring Chechnya had unilaterally announced independence and was leading its own internal political life, keeping its distance from the Prigorodny conflict. To this day the Ingush resent the fact that the Chechens failed to come to their aid at this time."

Hansen 1998, pp. 19-20:

"The conflict area of Prigorodnyi Raion extends from the suburbs of Vladikavkaz in North Ossetia east to the present Ingush border, less than 20 minutes from Chechnya. Like the Chechens, the Ingush were forcibly deported under Stalin in 1944. When Khrushchev signed a decree rehabilitating the deported peoples in 1956, the lands presently comprising Prigorodnyi Raion, which had been ceded to North Ossetia, were not returned to the newly reconstituted Chechen-Ingush Autonomous Soviet Socialist Republic (ASSR) despite their 90 percent Ingush makeup prior to the deportations. Administrative and practical obstacles, many of them engineered by Ossetian authorities, prevented many Ingush from again taking up residence on their former lands.

Tensions between the Ingush and Ossetians rose and fell through the 1970s and 1980s but exploded into the open with perestroika. Mass demonstrations and growing unrest led the Ossetian authorities to declare a state of emergency in Prigorodnyi in April 1991. Intercommunal violence rose steadily in the area of Prigorodnyi east of the Terek river, despite the introduction of 1,500 Soviet interior troops to the area. On April 26, 1991, in the last months of the Soviet Union, the Russian Supreme Soviet passed the Law on the Rehabilitation of Repressed Peoples that pledged a return to predeportation boundaries. Fearful of losing Moscow's support for a return of Prigorodnyi, Ingushetia opted to remain in Russia when Chechnya claimed independence. By this time, some 16,000 refugees from the conflict in South Ossetia, but who had primarily lived in other parts of Georgia, had fled north and took shelter in Prigorodnyi, significantly adding to the prevailing tensions. Ingush-Ossetian violence worsened and both sides began arming in earnest. According to human rights investigators, many of the worst incidents of intimidation and forced eviction of Ingush occurred at the hands of South Ossetian refugees. In some cases, North Ossetian locals protected Ingush from those refugees.

Open warfare broke out in October 1992. Approximately 500 people died in a week of concentrated violence during which many homes, primarily belonging to ethnic Ingush, were destroyed or taken over. Russian interior forces actively participated in the fighting and sometimes led Ossetian fighters into battle. Estimates of displacement from Prigorodnyi vary widely, but between 34,500-64,000 Ingush were forced to flee to Ingushetia and 9,000 Ossetians to North Ossetia. Most Ossetians had returned as of 1998, but only a handful of Ingush had done so. IDPs from Prigorodnyi who found refuge in Ingushetia would later compete for space and aid with massive influxes of Chechen IDPs.

The conflict in Prigorodnyi Raion remains frozen amid low-level, back-and-forth violence against police officers and civilians, widespread hostage taking, and deepening animosities. New hope for peace and resettlement was kindled in 1997 with Russian-brokered agreements that set out plans for return and resettlement. However, at the time of this writing, IDP returns have been stalled by continued violence and have been further undermined by the curtailment of UNHCR's presence due to untenable security conditions."

For more details on the conflict, see also the May 1996 report from Human Rights Watch/Helsinki Human Rights Watch [The Ingush-Ossetian conflict in the Prigorodnyi region](#).

Prospects for resolution of the conflict over Prigorodny district (2007)

- Many agreements to resolve the conflict have come into force since 1993, though none have been implemented
- Tensions between Ingush and Ossetians increased after hostage-taking at a school in Beslan, North Ossetia in 2004
- New government efforts to solve the conflict were put in place after the Beslan tragedy

- Presidential envoy to the South Federal District was to have returned all Ingush IDPs to their homes by the end of 2006

Prague Watchdog, 28 July 2006:

"The current plan to resolve the dispute met with the approval of Dmitry Kozak, President Putin's envoy to the Southern Federal District. Kozak had been assigned the job of returning all Ingush refugees to their former homes in North Ossetia by the end of 2006. However, the Ingush accuse Kozak of having taken a pro-Ossetian position, and they've threatened to hold mass protests if his plan is not revised.

The problem seems to be that while more than 12,000 Ingush refugees are set to return to North Ossetia, they won't be going back to their native villages but to settlements that are being specifically built for them. This is the Ossetians way of preventing the Ingush from viewing these settlements as ancient Ingush villages; plus it will also sever the connection between the Prigorodny Region and Ingushetia.

Nevertheless, despite the Federal center's sudden decision to resolve this age-old conflict, experts predict that along with the old problems that will still have to be dealt with, new ones will arise. And both have a common denominator -- the historical enmity between Ingush and Ossetians.

Even Ingush President Murad Zyazikov, who rarely criticizes the actions of the federal leadership, recognizes that the plan does not uphold the rights of Ingush citizens [...]

During the past 13 years, numerous governmental commissions signed agreements about this conflict, the majority of which were never put in practice. This was due either to Moscow's disinterest in the matter or in not understanding its aspects. So these mountains of paper now reside in the archives, gathering dust.

While relations between these two nationalities are still complicated, the pinnacle of inter-ethnic hatred has been reached: even Beslan was unable to restore the level of their once mutual animosity. The Ingush and Ossetians sincerely want stability and peace, yet how can this be achieved without the political will of the Kremlin?

With the departure of Ingush President Ruslan Aushev (former Soviet general and critic of Moscow's policies towards North Caucasus), another general, the pro-Moscow Murad Zyazikov from the Federal Security Service (FSB), took over. The Ingush, of course, hoped he would help resolve their problem.

However this was not to be; tensions increased instead. The various military and police forces were given the green light to use repressive methods against guerrillas in the republic, even though their guilt or participation in the insurgency was highly doubtful. Needless to say, this has swept the Prigorodny question off the immediate political agenda.

After the events in Beslan, the federal authorities were finally reminded of the existence of the old Ingush-Ossetian conflict, which had again awakened serious fears. Were it not for the terrorist attack, this problem would have surely remained buried and forgotten. But now the situation threatened to spill over and lead to an explosion in North Ossetia and then in Ingushetia. This was probably part of the plan designed by the Beslan raiders, although many experts feel it is still too early to state that this plan failed."

See also, [Осетино-ингушский конфликт: у каждой из сторон – своя правда, Независимая Газета, 2 ноября 2007г. и \[Нерешенность проблем возвращения\]\(#\)](#)

вынужденных переселенцев в свои дома и искусственные препятствия в реализации их прав, как отголоски геноцида 1992 г., Ингушетия.Ru, 29 ноября 2007г.

Other causes of displacement in the Russian Federation

Earthquake in Chechnya (2008)

- Many homes were damaged in an earthquake that hit southern Chechnya
- Displaced people went to live in makeshift accommodation

Updated information on this topic could not be found among the sources consulted

ICRC, 20 October 2008:

"The International Committee of the Red Cross (ICRC), working in cooperation with the Chechen Branch of the Russian Red Cross Society (RRC), delivered emergency supplies last week to over 2,700 families in three villages in the Kurchaloy region and one village in Gudermes region.

The villages had been severely affected by an earthquake on 11 October. The supplies included tarpaulins, blankets, hygiene kits, kitchen sets, candles and jerrycans. "We hope that these items will help local authorities to meet the basic needs of the victims of this earthquake, which unfortunately struck a region that has suffered a great deal in recent years," said Laurent Bernet, the head of the ICRC in the Chechen Republic.

The earthquake hit southern regions of the Chechen Republic, killing 13 people and leaving over 100 wounded. A week later, many people in rural areas still cannot enter their homes because of the damage sustained and are staying in makeshift accommodation."

RIA Novosti, 20 October 2008:

"The aftershock came just over a week after 5.5-magnitude quake hit the North Caucasus on October 11. The quake's epicenter was in Chechnya, and at least 13 people were killed and over 100 more injured in the republic. Some 10,000 buildings were also damaged. The tremor was also felt in five other Russian North Caucasus republics, as well as the neighboring South Caucasus state of Georgia."

Violence against Chechens outside of North Caucasus (2009)

- In 2008 there were at least 525 victims of racist and xenophobic violence in Russia; 97 died
- Main victims were natives of Central Asia and the Caucasus
- Attacks were mainly carried out in Moscow region and St. Petersburg region
- The numbers may be higher as politicians in power deny the problem and the media reports less on it

SOVA, 15 April 2009:

"In 2008 no less than 525 people were the victims of racist and xenophobic violence, 97 of whom died. This is the most conservative estimation of violence, as incidents originating in the republics of the north Caucasus, mass brawls, attacks with mercenary motives and where firearms are

used (except where a racist motive has been clearly recognized by law-enforcement agencies) and other disputable cases have been excluded completely from our reckoning. Additionally, we traditionally exclude homeless victims of neo-Nazi violence from the total number of victims, given that it is very hard to ascertain the motivation behind such attacks. However we know of at least seven murders and one case of assault in which a motive of hatred is suspected or imputed.

Altogether, racist and neo-Nazi motivated attacks were recorded by us in 44 regions of Russia. As before, the main centers of violence are the Moscow region (57 dead and 196 injured) and the Petersburg region (15 dead and 38 injured). After a two-year break, neo-Nazis re-emerged in Voronezh (2 dead and 18 injured), which once again took third place in this sad ratings competition. Traditionally, Nazi-skinheads have been active in Sverdlovsk and Nizhnii Novgorod regions. Penza became new hotbed of activity in the year just past (14 injured). Previously in this region either there were no attacks recorded, or such attacks were isolated events.

The main victims of xenophobic aggression are natives of Central Asia (49 dead, 108 injured) and of the Caucasus (23 dead, 72 injured). However, practically no one with non-Slavic features is immune to assault by racists, nor are representatives of leftist youth movements and alternative youth subcultures (punks, Goths, emos etc) whom neo-Nazis consider 'traitors to the white race'.

For comparison, 85 people were killed and 605 people injured in 2007. However, we may hardly consider this a decrease in the extent of the violence: there is no doubt that this is the result of a dearth of information rather than a dearth of attacks. This lack of information is linked to the political motives of those in power, who deny the problem of xenophobia; with the 'acquired tolerance' of the mass media, which has become inured to this issue; with the increased difficulty monitors face in identifying such crimes."

Differential treatment of the remaining Meskhetian Turks (2009)

- Meskhetian Turks were expelled from Uzbekistan in 1989-1990 and many settled in Krasnodar Krai; some 2,000 remain
- The authorities continue to refuse to issue residence registration to those without Russian passports
- This deprives them of access to land, employment and business opportunities
- As a result, more than 11,000 Meskhetian Turks have emigrated from Russia since 2004

US DOS, 25 February 2009:

"In Krasnodar Kray, Meskhetian Turks without Russian passports were denied the right to register, which deprived them of all rights of citizenship and prevented them from working legally, leasing land, or selling goods. The Krasnodar Kray law for the definition of illegal migrant also includes unregistered Russian citizens as well as foreign citizens and stateless persons. At year's end an estimated 2,000 Meskhetian Turks remained in Krasnodar Kray. With the departure of 11,316 Meskhetian Turks since 2004, facilitated by the Russian Federation, human rights groups reported a significant decline in arbitrary fines and harsh treatment used previously by authorities against the community. However, the Meskhetian Turks who remained in Krasnodar continued to struggle economically."

US DOS, 11 March 2008:

"In Krasnodar Kray, Meskhetian Turks without Russian passports were denied the right to register, which deprived them of all rights of citizenship, and prevented them from working legally, leasing land, or selling goods. Because of the difficult conditions in Krasnodar, about 23,000 Meskhetian Turks applied to emigrate. With the departure of 11,316 Meskhetian Turks since

2004, facilitated by the Russian Federation, human rights groups reported a significant decline in arbitrary fines, and other forms of harsh treatment used previously by authorities against the community."

Eviction of Roma from their houses and land (2009)

- Regional authorities initiated court proceedings to declare Romani's ownership of their houses as illegal
- However, Roma were not informed of the proceedings and therefore could not argue their case
- Houses of Roma were bulldozed by the authorities and then ruins were set on fire
- Some displaced Roma fled to temporary shelters, but many were left without alternative housing
- The UN recommended Russia review its demolition policy, legalize existing Roma settlements and provide adequate alternative housing when Roma are evicted

UN CERD, 22 September 2008:

"26. The Committee is concerned about the destruction of Roma settlements, often on the basis of court orders to demolish illegally constructed dwellings, in numerous cities and regions of the State party, and about the disproportionate effects that such demolitions and forced evictions may have on the Roma families concerned (art. 5 (e) (iii)).

The Committee recommends that the State party review its policy of demolishing illegally constructed Roma settlements when the dwellings have existed for a long time, legalize existing settlements to the extent possible, and provide adequate alternative housing whenever forced evictions of Roma take place."

US DOS, 25 February 2009:

"Authorities previously bulldozed 37 houses in 2006 that belonged to more than 200 Roma, including more than 100 children, in the village of Dorozhnoe, Kaliningrad Oblast, and set fire to the ruins. More than 100 of the displaced Roma were forced to live in temporary shelters and were threatened with physical expulsion. Regional authorities began their eviction campaign by initiating court proceedings to have the Romani families' ownership of their homes declared illegal. According to observers, the proceedings violated fundamental standards of due process. In 2006, the Open Society Institute's Justice Initiative filed a request for interim measures with the ECHR on behalf of 33 of the evicted. The Justice Initiative carried out fact-finding missions in Kaliningrad in March 2007 and again in March, during which time three of the Romani litigants died. There were no further developments in the case at year's end."

FIDH, 5 September 2008:

"The Roma living in the Russian Federation are victims of severe forms of racial discrimination, which occur in the broader context of growing racist violence in the country. In 1956 a decree of the Soviet Supreme prohibited "vagrancy" and forced Romani people to settle. Their houses were rarely properly registered. Since the fall of the Soviet Union, the legal framework governing property and the use of land has become extremely complex, and Roma lack the knowledge and the documents to access property rights.

The locations where [Roma] communities settled had little or no value at the time, but have gradually become the target of speculation. The Russian administration refuses to regularise their occupation of the land and bypasses them when taking measures for the allocation or sale of the land they occupy. When Roma refuse to leave voluntarily, they are often cheated or become

victims of forced evictions. In most cases, these evictions follow a court decision but the procedure often violates the right to a fair trial. These evictions are often carried out with violence and in some cases they follow a local campaign vilifying the Roma community as a whole.

Non-registration of their houses also deprives the Roma of a range of economic and social rights in the frame of the Russian Federation "permanent registration" system. When evicted from their house, they are not offered alternative housing or adequate compensation which, in similar cases, non-Roma Russian citizens are usually able to obtain... Forced eviction of Roma and the demolition of their houses carried out by the authorities violate the right to adequate housing guaranteed by the International Covenant on Economic, Social and Cultural Rights and the International Convention on the Elimination of All Forms of Racial Discrimination ratified by the Russian Federation...

Forced evictions make Romani the victims of structural discrimination, resulting usually in either homelessness of the evicted people, who lose everything and receive nothing in exchange, or in a significant worsening of their living conditions, with no access to transport, basic resources (water, gas, electricity) or schools for their children.

From the authorities' point of view and that of the people in charge of carrying out evictions (using bulldozers and the support of special police forces) accordance with the law is met with the issuance of court-ordered injunctions. A Tribunal or a Court declares a resident's occupancy of his/her home illegal, thereby authorizing the government to demolish the home.

Those judgments are generally just a confirmation of the intent of the authorities, which has been manifested long before the decision in the form of various campaigns and threats to move the population away from the coveted occupied lands. As a result of such a judgment, forced eviction and house demolition were carried out during the week of 29 May 2006 through June 2006 in the village of Dorozhnoe (Kaliningrad). In total, the Russian Government razed (demolished and burned) approximately 43 houses which comprised the village, leaving standing only two private dwellings in the area, both owned by ethnic Russians.

[FIDH] fears that the same scenario will be repeated in the case of the Kelderari settlement in the village of Kosaya Gora visited by the mission (Tula, Central Russia). As a matter of fact, more than 50 houses have been declared illegal by a collective judgment shown to the mission by the Kosaya Gora Romani inhabitants.

During the consideration and issuing of the court decision, nobody informed Roma about the lawsuit initiated against them, and they have not received any notices of appointment from the court, which violates the principles and norms of the civil procedural code of the Russian Federation. The consideration of the suit brought against Roma was taken in the absence of the latter, i.e. many respondents did not have any opportunity to state their own position to the court and submit their own evidence in the case. Therefore, nobody from the side of the respondents was present at the court hearing. The residents of the settlement came to know the decision of the court only after the visit of court officials in May 2007 for the purpose of evicting them from their houses. By that time the terms for submitting appeal and supervision claims in order to appeal the decision had already expired."

POPULATION FIGURES AND PROFILE

Global figures

At least 82,150 IDPs in Russia (2009)

- There are no authoritative figures of the number of IDPs in the Russian Federation
- The government counts the number of people with forced migrant status and registered with FMS
- Otherwise there are non-government figures for Dagestan, Chechnya and Ingushetia
- There is no current figure on the number of IDPs outside of the North Caucasus

Number of Internally Displaced Persons in the North Caucasus

Current Location	Government	UNHCR	NGO DRC or Vesta
Dagestan	-	-	From Chechnya: 305 (temporary settlements) 3,404 (private sector)
Chechnya	-	50,000 (private sector estimate)	4,637 (hostels)
Ingushetia	From North Ossetia: 3,858 (with forced migrant status)		From Chechnya: 2,283 (temporary settlements) 7,969 (private sector)
North Ossetia	2,074 (registered with FMS)		
Outside of North Caucasus	7,620 (with forced migrant status)		
TOTAL	82,150		

Dates of sources: 20 August 2009

ECHO, 15 May 2009:

"Even if it is difficult to have exact figures, it is estimated that there are still some 30,000 Internally Displaced Persons (IDPs) in Chechnya proper, 12,000 IDPs left in Ingushetia, 3,800 IDPs in Dagestan, and 1,700 refugees in Azerbaijan. The number of war-affected vulnerable household within Chechnya, including families created after the war, is estimated at 60,000."

ODI, 28 February 2009:

"Chechnya still has between 30,000 and 50,000 internally displaced people, and a further 60,000 are considered still to be 'war-affected'."

Правительство РФ, 20 декабря 2008г.:

"По официальным данным территориальных органов ФМС России по состоянию на январь 2008 г. на территории Российской Федерации зарегистрированы и находится до 9570 вынужденных переселенцев, покинувших территорию Чеченской Республики, из них 5,5 тыс. человек в Республике Ингушетия."

Population figures: displacement as a result of conflict in Chechnya

Over 50,000 still displaced within Chechnya (2009)

- In mid-2008, 5,250 people were registered in government-organised accommodation in Chechnya
- About 50,000 IDPs live in the private sector in Chechnya
- In 2007, most of the government-organised accommodation in Chechnya was located in Staropromyslovski and Oktiabrski districts and the bulk of the IDPs living there arrived in 2002, though some had arrived as late as 2006
- 132,000 IDPs living in the private sector in Chechnya were de-registered from the government list in 2005
- At the end of 2005, approximately 44,000 IDPs lived in government-organised accommodation

Memorial, 26 May 2009:

"According to the Federal Migration Service Office for the Chechen Republic, as of January 1, 2007, 57,349 internally displaced persons (IDPs) had been registered under Form 7 (registration form for a family that arrived because of emergency). By the end of the year, they all had been struck off the register which guaranteed them at least a minimum food assistance and the right to live in temporary accommodation points (TAPs). By the beginning of 2009, there had been just 3,400 families (8,500 persons) of IDPs left who were found to be in need of accommodation. However, the problems of internally displaced persons are still urgent."

УВКБ, 30 мая 2008г.:

"В Чечне, согласно данным на 31 мая 2008 года, общее число лиц, перемещенных внутри страны, (ВПЛ), зарегистрированных во временных поселениях Чечни, составляло 5 250 человек (1 103 семьи). Из них 4 670 человек (972 семьи) проживает в 16 бывших пунктах временного размещения (ПВР) и 580 человек (131 семья) размещаются в пяти временных поселениях. Кроме того, согласно данным местных администраций, приблизительно 50 000 лиц, перемещенных внутри страны, проживает в частном секторе. Летом 2008 года Управление Верховного Комиссара ООН по делам беженцев (УВКБ ООН) планирует провести в Чечне опрос для уточнения численности ВПЛ."

About 9,000 internally displaced people from Chechnya in Ingushetia (2009)

- Some 9,00 IDPs from Chechnya were living in Ingushetia in September 2009

DRC, 30 September 2009:

DRC statistics show that as of 30 September 2009, there were 9,380 IDPs from the Chechen Republic living in Ingushetia in private accommodation and government-organized temporary accommodation.

Disaggregated data: Dagestan (2009)

- There are about 3,700 IDPs from Chechnya in Dagestan
- Most IDPs in Dagestan live in private accommodation

UNCHR, 20 August 2009:

Based on figures from the local NGO Vesta, UNHCR reported in August 2009 that there were 3,709 IDPs in Dagestan with 305 living in temporary settlements and 3404 living in private accommodation.

UN, 1 May 2008:

"Vesta began its activities in Dagestan in 2004 with monitoring the situation with IDPs by conducting interviews in all districts of the republic. According to Vesta database, currently Dagestan hosts a considerable number of IDPs: a total of 4,998 persons (1,136 families). Nevertheless, the authorities and international humanitarian organizations do not pay due attention to their problems."

Disaggregated data: Ingushetia (2009)

- About 55 per cent of displaced in Ingushetia are female
- About 55 per cent of displaced in Ingushetia are ethnic Chechen
- There are approximately 700 disabled IDPs living in Ingushetia

Правительство РФ, 31 декабря 2008г.:

"По данным регистрационного учета Отдела ФМС России по Республике Ингушетия в местах компактного проживания ВПЛ из Чеченской Республики, расположенных на территории Ингушетии, по состоянию на 18 декабря 2007 проживали 3763 человека. В 2007 г. к местам постоянного проживания в Чеченской Республике вернулись 2143 человека из числа указанных лиц.

Помимо того, на территории республики зарегистрировано 4270 человек, прибывших из Чеченской Республики и имеющих статус вынужденных переселенцев. Указанные лица изъявили желание остаться на постоянное место жительства в Республике Ингушетия. Семьи вынужденных переселенцев, подавшие заявления, поставлены местными органами государственной власти на учет по улучшению жилищных условий...

Количество ВПЛ в Республике Ингушетия составляет 3780 человек (в основном этнические ингуши, которые планируют обосноваться в Республике Ингушетия)."

DRC, 30 September 2009:

IDPs living in temporary settlements and the private sector

Sex/Age	Less than 7- 6 years	13 14-28 years	29-60 years	Over 60 years	Total
Female	375	656	590	2,950	5,212
Male	365	652	523	2,290	4,168
Total	740	1,308	1,113	5,240	9,380
Percentage	9	15	12	55	100

Identifying Factor	Number
Pregnant women	19
Lactating women	207
Infants (2008-2009)	76
Children (2006-2007)	264
Invalids	732
Orphans	10
Elderly with inadequate social support	11
Children with a single parent	312

Breakdown by ethnicity

Ethnicity	Families	Persons
Chechen	1,267	5,079
Ingush	1,064	4,242
Others	20	59
Total	2,351	9,380

Breakdown by ethnicity in temporary settlements

Ethnicity	Families	Persons
Chechen	358	1,427
Ingush	101	350
Others	11	33
Total	470	1,810

Breakdown by ethnicity in private accommodation

Ethnicity	Families	Persons
Chechen	909	3,652
Ingush	963	3,892
Others	9	26
Total	1,881	7,570

IDPs from Chechnya living outside of Chechnya (2009)

- UN and US DOS estimate that 30,000 to 40,000 people have left Chechnya and moved to other regions of the Russian Federation
- NGOs estimate that from 300,000 to 1,000,000 people moved from Chechnya to areas outside of North Caucasus in Russia since 1991

Правительство РФ, 1 июля 2009г.:

"Вынужденные переселенцы в том числе прибывших из ЧР 2972 семей, 7484 человек"

UNHCR, 16 July 2007:

"UN estimate of IDPs in other regions of Russia: 40,000."

US DOS, 6 March 2007, Sec. 2d:

"At [2006] year's end 20,070 IDPs from Chechnya were in temporary settlements or in the private sector in Ingushetiya; approximately 30,000 Chechen IDPs reportedly were elsewhere in the country, and an estimated 200,000 Chechens were living as IDPs within Chechnya itself. In addition to ethnic Chechen IDPs, almost the entire population of ethnic Russians, Armenians, and Jews left Chechnya during the strife of the past decade."

Memorial, 31 July 2006, p.24:

"The number of residents of Chechnya who can be counted among internally displaced persons [in areas of Russia outside the North Caucasus] is now, according to expert estimates by NGOs, between 300,000 and 1,000,000 people. Also rated among this group can be all citizens who have involuntarily left the Chechen Republic in the period since 1991 and till today [have] failed to find permanent housing and a job and receive full medical and social protection."

Total number of internally displaced from the conflicts in Chechnya (2009)

- Estimates of the total number of people who fled Chechnya as a result of conflict range from 500,000 to 800,000
- Up to 300,000 were ethnic Russians

UNDP, 30 September 2005:

"UNDP estimates that 800,000 of Chechnya's 1.1 million people have been displaced either within or outside Chechnya."

Open Democracy, 16 August 2009:

"In December 1994 the first Chechen war broke out and, although military operations did not spread to Ingushetia, there was a wave of refugees from Chechnya. There are no precise figures, but estimates suggest this was around 150,000 people. The combination of new refugees and those from the Prigorodny region proved an insufferable burden for the republic. Ingushetia became a hub of refugee camps..."

The second Chechen war meant a new wave of refugees for the republic, bigger than ever before. Approximate estimates show that around 350,000 people left Chechnya at that time. General Shamanov decreed that all regions of the Russian Federation were to close their administrative borders to refugees. President Aushev alone refused to do this, which saved thousands of lives. Ingushetia took almost all the migrants from Chechnya and the population of the republic doubled over several months."

Government of the Russian Federation, 17 January 2000:

"Before October 1991 (the actual date of D. Dudaev's rise to power) Chechnya's population was over 1 million persons including 744,500 Chechens (57.8%); 229,500 Russians (23.1%); 21,000 Ukrainians; 15,000 Armenians; 10,000 Nogayans; 6,000 Tartars and other nationalities. In 1992-1994, as a result of a determined policy of forcing out the representatives of the non-title nation and the flight of the Chechen intellectuals to other entities of the Russian Federation about 250,000 persons left Chechnya. Out of this number 83,400 inhabitants (in 1992 - 21,588; 1993 - 39,823; 1994 - 22,008) were officially registered as internally displaced persons. In 1995-1996, 53,700 more persons were registered as internally displaced (in 1995 - 33,769; 1996 - 19,922). In the consecutive years the outflow from Chechnya continued. 32,849 inhabitants were registered as internally displaced persons (in 1997 - 15,160; 1998 - 13,007; in the first half of 1999 - 4,682). The actual number of those who have fled Chechnya was much higher since not all of them were registered at their new place of residence. "

COE 23 January 2001, para. 5:

"According to the Russian official figures, as many as 300 000 ethnic Russians have left the Chechen Republic since 1992."

Population figures: displacement as a result of the conflict in North Ossetia

More than 4,000 people remain displaced from North Ossetia (2009)

- From 30,000 to 64,000 people fled their homes as a result of the conflict in North Ossetia in 1992
- The government reports that there are about 4,000 IDPs from North Ossetia
- NGOs report that there are some 10,000-18,000 IDPs from Prigorodny district in Ingushetia

Number of IDPs from North Ossetia

UNHCR, 20 August 2009:

"2,074 IDPs in North Ossetia in private accommodation (Source: Inter-regional FMS)

Unknown number of IDPs in private accommodation in Ingushetia

1,784 IDPs in temporary settlements in Ingushetia (Source: Ministry of Nationalities of Ingushetia)"

HRW, June 2008:

"While the majority of the displaced Ossetians have since returned to their homes, successive decrees to return the Ingush displaced persons to North Ossetia have met with little success. At this writing, 10,000 displaced persons from Prigorodny district continue to live in Ingushetia."

Кавказский Узел, 24 апреля 2008 г.:

"В настоящее время в Ингушетии проживает 17-18 тыс. вынужденных переселенцев из Северной Осетии, а не 10 тыс., как утверждает президент Мурат Зязиков, заявил руководитель Комитета по защите прав вынужденных переселенцев Асламбек Апаев. Напомним, что 22 апреля в беседе с комиссаром Совета Европы по правам человека Томасом Хаммербергом президент Ингушетии Зязиков Мурат заявил о проживании на территории Ингушетии 38 тыс. вынужденных переселенцев из Чечни и 10 тыс. вынужденных переселенцев из Северной Осетии. Асламбек Апаев отметил, что, возможно, при приведении общего количества вынужденных переселенцев из Северной Осетии не

учтен частный сектор, то есть вынужденные переселенцы, проживающие не в ПВР, а в частных домах."

Total number of IDPs from Prigorodny district

УВКБ, 29 февраля 2008г.:

"В феврале межрегиональный офис Федеральной миграционной службы в Северной Осетии-Алании не зафиксировал случаев возвращения в Пригородный район республики. По данным на 29 февраля 2008 года, в общей сложности 10 372 человек (2 816 семей) были зарегистрированы в качестве вынужденных мигрантов из Пригородного района."

УВКБ, 30 апреля 2008г.:

"Межрегиональный офис Федеральной миграционной службы также сообщил, что на 30 апреля 2008 года в республике зарегистрировано 7 366 вынужденных мигрантов (2, 020 семей) из Пригородного района."

Number of people who originally fled Prigorodny district

HRW, 31 May 1996:

"The fighting was the first armed conflict on Russian territory after the collapse of the Soviet Union. When it ended after the deployment of Russian troops, most of the estimated 34,500-64,000 Ingush residing in the Prigorodnyi region and North Ossetia as a whole had been forcibly displaced by Ossetian forces, often supported by Russian troops. There are no authoritative figures for the number of Ingush forcibly evicted from the Prigorodnyi region and other parts of North Ossetia, because there were no accurate figures for the total pre-1992 Ingush population of Prigorodnyi and North Ossetia. Ingush often lived there illegally and thus were not counted by a census. Thus the Russian Federal Migration Service counts 46,000 forcibly displaced from North Ossetia, while the Territorial Migration Service of Ingushetiya puts the number at 64,000. According to the 1989 census 32,783 Ingush lived in the North Ossetian ASSR; three years later the passport service of the republic put the number at 34,500. To date, only a small minority of the displaced Ingush have returned to their homes. According to the migration service of North Ossetia, about 9,000 Ossetians were forced to flee the Prigorodnyi region and seek temporary shelter elsewhere; the majority have returned."

Memorial, 31 March 2006:

"According to various estimates, 30 - 60,000 Ingushis were forced to leave their houses and look for refuge in Ingushetiya as a result of armed conflict in Prigorodny District of North Ossetia and in Vladikavkaz. In 1992-1993 Migration service of Ingushetiya asserted that 61,000 Ingushis fled Republic North Ossetia – Alania (RSO-A). On November 10, 1992 Galazov, the Chairman of the North Ossetian Supreme Soviet, verbalized the figure of 32,782 IDPs. The difference in figures can be explained by the fact that in 1992 the percent of Ingush population living on the territory of North Ossetia without registration was very high. Due to the restraint adopted by the republican authorities and to limitation of registration, practiced since 1982, Ingush for decades lived in Prigorodny district without registration in passport agencies. In 1992 these people appeared unable to prove their residence or property ownership in Republic North Ossetia-Alania (RNO-A). According to the Office of Special Representative of the UN, 50% of post-war Ingush housing had inadequate registration or no registration at all. When households expanded, they would not be added to books. Moreover, a widespread source of income for Ingush men until 1992 were seasonal works in Russia or Central Asia, where brigades spent several months a year doing (mostly construction) works. Up to 10% of Ingush could have been in this category of "unregistered" citizens. Thus, the situation that we face today originates from the ethnic discrimination and mismanaged registration policy in 1970s, 80s and 90s."

PATTERNS OF DISPLACEMENT

General

IDPs from Chechnya and Ingushetia mainly fled to Ingushetia (2008)

- Many IDPs fled to Ingushetia and to alleviate the burden, Federal Migration Services tried to relocate IDPs to other areas of Russia where they have relatives
- IDPs from Chechnya also fled to neighbouring Dagestan, but the authorities only officially recognized IDPs from the first conflict
- IDPs from Chechnya are living in Moscow, St. Petersburg, Stavropol Krai, Voronezh, Tver, Orenburg and Tambov among other areas

Updated information on this topic could not be found among sources consulted

UNHCR, February 2003, para. 29:

"In view of the overcrowded situation in Ingushetia, the Federal Migration Services (FMS) made some attempts, in 1999 and 2000, to relocate some IDPs to other regions of the Federation. Several hundred families thus voluntarily relocated to existing temporary accommodation centres in Tambov and Saratov regions, with the FMS covering transport costs (vouchers with train tickets were provided by the FMS). At the end of November 2002, some 573 persons were still being accommodated in various [Temporary Accommodation Centres (TACs)] run by the Federal Migration Service (mainly in Tambov, Saratov and Moscow region). While originally the FMS intended to relocate more IDPs to other regions in central Russia, this project has not been as successful as the federal authorities expected. Firstly, most of the concerned regions do not have any sizeable Chechen community and were not enthusiastic with the prospect of having to provide accommodation to Chechen IDPs. Secondly, the Chechen IDPs themselves wish to remain close to their homes in Chechnya and are reluctant to travel beyond Ingushetia to regions where they are not welcome."

Jamestown Foundation, 27 March 2008:

"The Chechen Diaspora in Russia is the most numerous of all Chechen communities spread around the world outside of Chechnya. According to the official results of Russia's 2002 census, 1.1 million out of 1,360,253 Chechens resided in Chechnya, while 260,000 were living in other regions of the Russian Federation, including 14,500 in Moscow - the actual number is assumed to be much higher than what the Moscow authorities admit officially, and the informal count may reach as high as 100,000 Chechens in Moscow and Moscow Oblast."

Grouping of Russian NGOs, 30 November 2006:

"In the Centers of Temporary Accommodation (CTA) for internally displaced persons from Chechnya in Tambov, Voronezh, Tver, and Orenburg Regions about 1,000 people have the forced migrant status."

Кавказский Узел, 4 декабря 2006 г.:

"Главным фактором размещения в [Ставропольском] крае и по его территории явились родственные связи: "родственники, друзья, жившие на данной территории или выехавшие вместе". Число мигрантов, намеренных остаться на постоянное жительство в крае увеличилось. Но решение "остаться здесь", скорее, вынужденно, часто сопровождаемое

чувством обреченности, неуверенности. Процесс интеграции по своим причинам и установкам переселенцев на оседлость в крае представляется согласно исследованию как вынужденный."

ICG, 3 June 2008:

"The relationship between [Dagestan and Chechnya] has been in flux since the mid-1990s, when Chechnya became increasingly unstable. During the first war there (1994-1996), Dagestan welcomed internally displaced persons (IDPs), but Chechens did not receive the same support during the second war, which started after warlords Ibn al-Khattab and Shamil Basaev invaded Dagestan in August 1999."

Mountainous villagers forced to seek safety on plains (2007)

- Seven out of Chechnya's 15 districts are partially or totally mountainous or hilly
- About 2,500 people fled mountainous areas to the plains, mainly in 2002, though some were displaced as late as 2006
- Extreme violence forced most villagers to leave and seek safety in plains; some had family members wounded, killed or disappeared
- Some mountainous villages have been completely abandoned
- Armed forces suspect mountainous villages to be a hiding place for Chechen fighters, but the government reports there is no targeted policy to push residents out of mountain villages
- There are no official statistics on the current number of people from mountainous areas who are still displaced

Updated information on this topic could not be found among the sources consulted.

Радио Свобода, 17 марта 2007 г.:

"Чтобы вы имели представление, 7 районов из 15 Чеченской республики частично или полностью входят в горную и предгорную зоны. То есть, естественно, это большая территория, и они не могли, конечно, иммигрировать в одну точку. Самый массовый поток населения был с гор на равнину в 2002 году. И в 2003 году только начали выдавать хлеб по линии миграционной службы, составлялись списки и выдавали. Вот только там был какой-то учет этих людей. А потом расформировали районные отделы миграционной службы, и абсолютно с тех пор никакого учета этих людей не ведется. Поэтому сказать, что такое-то количество ВПЛ, мы не можем. Но мы собираем сведения у местных жителей, которые говорят, к примеру, что в трех селах Чурчали до 2002 года было более 200 жилых домов и более 800 семей."

Мемориал, 15 марта 2007 г.:

"Обследование проводилось в местах массового расселения беженцев из горных сел: нескольких селах Гудермесского района: в селах. Ойсхара (13 семей), Верхний Нойбера (12), Нижний Нойбера (29), Гордали-Юрт (9), Кади-Юрт (6), Иласхан-Юрт (15) Гудермесского района, в самом Гудермесе (6) , а также в ст. Ильинская Грозненско-сельского района (14)[...]

Итак, нам удалось посетить 105 семей, выселившихся на равнину из 20 горных сел Чечни: из 10 сел Веденского района (Дарго, Тазен-Кала, Джани-Ведено, Гуни, Эрсеной Гезенчу, Шерды-Мохк, Верхние, Средние и Нижние Курчали), 3 сел Курчалоевского (Хеди-Хутор, Эникале, Белты) и 7 сел Ножай-Юртовского района (Гордали, Бас-Гордали, Верхние Гордали, Гансолчу, Турти-Хутор, Малые Шуани, Хашты-Мохк). Почти 70% опрошенных

составили выходцы из 6 сел: Тазен-Кала, Гезенчу, Шерды-Мохк, В.Курчали, С.Курчали и Гансолчу [...]

Во всех случаях (за единичными исключениями) выезд был связан с проведением так называемой «контррерористической операции». Большинство беженцев говорило о причинах выезда односложно и практически одно и то же: «обстрелы, зачистки». Различия в формулировках обусловлены в основном наличием специфического личного опыта (обычно трагического). Приведу часть более развернутых ответов о причинах выезда, хотя, по правде говоря, хотелось бы выписать их все. Эпиграфом к этой части доклада могут служить слова одного из жителей села Средние Курчали: «Никакого закона не было, находились между молотом и наковальней» [...]

Об уровне насилия по отношению к жителям горных сел свидетельствует тот факт, что 25 из 105 опрошенных сообщили о наличии убитых, раненых и пропавших без вести в своей семье, в том числе 7 семей заявили о 10 убитых, 14 семей – о 19 случаях похищения близких родственников, 12 опрошенных – о 17 членах семьи, получивших ранения. При этом специально вопрос об этом не задавался, так что в действительности число такого рода событий, видимо, было больше. Что касается избиений и издевательств со стороны военных, то, судя по рассказам беженцев, через это прошло практически все взрослое мужское население горных сел, - по крайней мере, тех, откуда выехали наши собеседники [...]

Большинство опрошенных - 66 из 102 (в 3 случаях время выезда не указано) - покинули свои села в 2002 г. Видимо, именно в это время насилие по отношению к населению этих сел достигло запредельного уровня. Некоторые села тогда полностью опустели (Гансолчу, три села Курчали, Гезенчу, Ширды-Мохк). Однако, и в последующие годы исход из горных сел, хотя и в значительно меньшем масштабе, продолжался. Трое из опрошенных нами беженцев покинули свои дома в 2006 г."

IWPR, 16 August 2006:

"Memorial reported that in 2002, two and a half thousand people from mountain villages in southeastern Chechnya were uprooted by fighting. However, because these people were displaced within Chechnya itself, their plight has not been dealt with by the republic's migration department [...] The mountain villagers are mostly forced to live with relatives or in makeshift accommodation in other parts of Chechnya [...]

"In Nozhai-Yurt, Vedenov and Kurchaloi regions many villages have been deserted," said Khazmat Gadayev, who comes from one of Chechnya's mountain settlements. "The federal soldiers are driving people out of the mountains on purpose. The village of Alkhazurovo was recently surrounded - they spent three to four days carrying out a 'mop up' operation there. They do it on purpose, to keep people in a state of fear. But people are sick and tired of war."

IWPR 17 February 2005:

"[...] 'Since the war began in the autumn of 1999, the Russians have been constantly bombing and shelling the mountain gorges and forest both in our district and across southern Chechnya. They're still doing it,' said Usumov [...] Human rights activists have compiled an incomplete list of more than 20 villages that have been wholly or partially abandoned because of the conflict [...]

Memorial's Baisayev said, 'The exodus from the foothills and mountains peaked in 2001 and continued through 2002, when the cruellest mop-up raids were carried out. These villages were subjected to the most inhuman treatment. Soldiers rampaged through the communities again and again, breaking into homes, and taking people away. All this was accompanied by incessant shelling and bombing. Villagers had no choice but to flee to more peaceful places on the plains.'

Many ordinary Chechens believe the Russian military is pursuing a coordinated policy to drive people out of the mountains. A bomb and rocket attack on a forested area close to the village of Zumsoi on January 14-16. Memorial activists later reported that several people had been taken away by soldiers. In the 'mop-up' raid that followed, federal soldiers allegedly stole cash and valuables from the area, which is now still inhabited.

Second Lieutenant Vladimir Yerofeev of the Russian security services insists there is no coordinated policy to make the mountains uninhabitable. *Для более подробной информации, обратитесь к статье ""Кормильцы боевиков" стали бомжами,"*

Ethnic Ingush displaced multiple times (2009)

- Some ethnic Ingush first fled their homes in North Ossetia to Chechnya, and then fled the wars in Chechnya to Ingushetia

Open Democracy, 16 August 2009:

"This is why in Russia today many Ingush have become refugees twice over: first they were forced to abandon their homes in the Prigorodny region and begin a new life in Grozny, then they had to flee again from the Chechen wars. The more traditional rural Ingush did not find it easy to become integrated, even in Chechen society, and to this day Ingush families try not only to marry their daughter to an Ingush man, but to marry their son to an Ingush woman as well. Once in Ingushetia, they are often unable to resettle in rural life after having lived in one of the largest and most developed cities of the North Caucasus."

PHYSICAL SECURITY & FREEDOM OF MOVEMENT

Physical safety in Chechnya

Violence escalates in Chechnya and beyond (2009)

- Hostilities in Chechnya happen less often, but nevertheless continue; the situation is not peaceful
- Rebels are undefeated and have expanded to other areas of the North Caucasus
- Security of civilians is still at risk, though they are not the direct targets of attacks
- Chechen government restricts outflow of information and rules with brutality, suppression and fear

HRW, 27 September 2009:

"These violations are not restricted to Chechnya, but are becoming increasingly common in other parts of the North Caucasus. Human Rights Watch has documented executions, arbitrary detentions, and torture during counterterrorism operations in Ingushetia. In August 2009 a prominent newspaper editor known for his criticism of local authorities' conduct of counterterrorism operations, was shot and killed in Dagestan. A few weeks later, an organization documenting human rights abuses in Dagestan lost nearly all of its computer and paper files in an arson attack that followed numerous threats, including from local security officers, against the organizations staff."

CoE, 29 September 2009:

"1. Unfortunately, there is no escaping the fact that armed conflict continues throughout the North Caucasus. Paramilitary groups set up by illegal combatants are becoming increasingly organised, co-ordinated, widespread and technically well-equipped again. Senior regional officials are ever more frequently targeted, and since 2009 suicide bombings have become a recurring tactic. The number of civilian victims of terrorist attacks is rising.

2. In the summer of 2008, the conflict was already intensifying. In 2007, up to the summer, a total of 63 members of the security forces had been killed and 132 injured, but in the summer of 2008, these figures rose to 82 killed and 169 injured. The insurgents had become more organised and more active throughout the region in 2008 and 2009, and the losses among the security forces reflected this. In autumn 2008, 83 police officers and soldiers were killed and 143 injured, while in winter 2008, 37 were killed and 113 injured (the reduction is accounted for by a seasonal decline in rebel activity) and in spring 2009, 40 were killed and 89 injured².

3. Summer 2009 saw an unprecedented jump in the activity of armed insurgents in the North Caucasus. It is significant that, since the beginning of 2009 the victorious statements announcing that

terrorism has been crushed in the region that were so frequent in previous years have been far less triumphalist in tone. In fact, several senior officials and elected representatives including the President of the Russian Federation, Dmitry Medvedev, acknowledge that the impression that the North Caucasus was becoming more peaceful was wrong. The conflict has not died out or become more localised. Instead it is threatening to spread to republics which have been relatively calm to date, namely Kabardino-Balkaria and North Ossetia-Alania."

NYT, 30 August 2009:

"Explosions and shootings have been a daily occurrence in the region all summer. Between June and August, 436 people have been killed, compared with 150 during the same months in 2008. And the number of attacks jumped to 452 from 265..."

The numbers do not fully capture what has happened. High-ranking officials have been strafed with machine-gun fire, targeted by snipers as they strolled out of restaurants or rammed with cars packed with explosives. A prominent human rights worker was snatched outside her apartment, killed and left on a roadside. And suicide bombings, ominously, have returned to Chechnya after a pause of several years.

"The period of stability is quite clearly over in Dagestan, Ingushetia and Chechnya," said Pavel K. Baev, a senior researcher at the Oslo-based International Peace Research Institute...Mr. Kadyrov blames Wahhabis and other Islamic extremists for the attacks and has repeatedly charged that they are financed and trained by Western countries. He said on Friday that a collaboration between the police, the Federal Security Service and local clergy could prevent young Caucasian men from turning to religious extremism....

Igor Y. Yurgens, the director of the Institute of Contemporary Development and a close aide to Mr. Medvedev, said he believed that "Chechenization" — allowing Chechen authorities a primary role in quelling the insurgency — had served an essential purpose but was now fueling violence rather than preventing it."

The Economist, 13 August 2009:

"In fact, Russia's "victory" in the Chechen wars is deceptive. The entire north Caucasus remains a battleground, where people die daily. On August 12th armed rebels gunned down Ingushetia's construction minister. The Kremlin has not made Chechnya into an integral, law-abiding part of Russia. But it has moved Russia closer to Chechnya."

Jamestown Foundation, 7 August 2009:

"Despite frequently repeated and vocal claims that life in Chechnya has returned to normal, in reality the launch of large-scale operations targeting the insurgency across the republic suggests a new wave of rebel activity in Chechnya. Moreover, it can be said that the insurgents are not always acting as aggressors, and some of their operations are indeed retaliatory strikes provoked by the actions of the pro-Moscow government of Chechnya...According to the separatists, the suicide fighter battalion has dedicated units across all fronts."

Memorial, 29 May 2009:

"At first glance it may appear that the Chechen situation is generally moving towards stabilization, quite unlike the situation in Ingushetia. However, this seeming stability is that of a totalitarian regime based on brutality, suppression and fear and aiming at maximum restrictions on the outflow of any information on the actual situation..."

The past year of 2008 has for the first time seen an increase in the number of losses (approximately 1.3 fold) of representatives of Russian power structures in summer and fall, compared to the same period in the previous year. This was largely due to the actions of rebels in Ingushetia. Below are the data, obtained by summing up the reported loss of Russian power structures in the media.[9]

In the summer of 2008 - 82 killed and 169 wounded; in the fall of 2008 - 83 killed and 143 wounded.

With the beginning of winter 2008-09 the rebels reduced their activities, just like in the previous years, which was reflected in a decrease of losses among Russian representatives of power structures – 37 were killed, and 113 wounded. One year ago 5 more people were killed, but there were 28 less wounded.

At the moment of writing this report (ie, at the end of the first decade of May), during approximately the first two months of spring 31 people were killed and 47 wounded. One year ago during three months of spring 40 soldiers and other representatives of power structures were killed and 89 people were wounded on the North Caucasus. Still, in comparing we unfortunately have to take into account, that a significant number of losses happened in May, when the first leaves appeared on the trees.

In Dagestan rebels are leading a true hunt for high officials of law enforcement agencies. Only within three months of fall 2008 four Majors, a Lieutenant and a Colonel were killed as a result of attempts on lives. Another two Majors of the police were killed this winter. And in December General Major Valeriy Lipinskiy, temporarily working as Commander of a formation of the Internal Troops of the MVD (Ministry of Internal Affairs) on the North Caucasus, was killed in Makhachkala.

As before not only representatives of power structures or officials, but also civilians become victims of terrorist acts.

On the 6th of November 2008 a female suicide attacker blew up a micro-autobus in Vladikavkaz, the capital of North-Ossetia, killing 12 people.

In Ingushetia the number of terrorist attacks, committed in public places and not directed against the “power” or enforcement officials, has increased. Shopping centers, selling alcohol, markets, game halls, hotels and administration buildings are fired at or blown up. Also a Christian church was shelled. In situations like these, low-power explosive devices were used, that are not filled with deathly materials. It is obvious, that the Islamic fundamentalist underground this way tries to influence the society, dictating them norms of behavior.

However the terrorists do not limit themselves to demonstrations like this. In January 2009 a merchant, dealing with alcohol, was killed in the city of Malgobek (Ingushetia). During the investigations it was established, that she was killed with the same pistol, that earlier, on the 30th of November 2008, killed the assistant of the Imam of the mosque in Malgobek, Sultan Yalkhoroev. And then, on 6th of February 2009, out of the same weapon shots were fired on the leader of the Children’s Dance Ensemble “Zori Ingushetii” (“Dawns of Ingushetia”) Zurab Dzhavakhashvili (an ethnic Georgian). He died from his wounds in the hospital. In the city of Karabulak a local resident, an ethnic Russian, was attacked; two explosive devices were found near her house."

RFE/RL, 31 October 2008:

"Throughout the Putin era, from late 1999 onwards, Chechnya has been the most sensitive political issue in Russia. And it is not hard to understand why, given that Vladimir Putin's ascent to

power was a direct result of his decision to go to war to crush the Chechens' independence aspirations. The approach that Putin adopted was truly counterintuitive, however. Not only has the resistance not been defeated, it has spread across virtually the entire North Caucasus, even to regions where anti-Russian sentiment never existed in the past [...]

In the meantime, and contrary to Russian claims, fighting across the region continues. Since the beginning of October, there have been at least 13 attacks on the Russian forces and their local allies in Chechnya -- and that is only according to official figures, which are widely known to understate the problem. Eighteen servicemen have been killed, and another 14 wounded. True, that is a far cry from the mass battles of the early stages of the war. But Chechnya is no longer the only focus of the resistance in the North Caucasus. These days the insurgents are employing different, more effective, tactics. The main objective now is to spread the conflict geographically, to reduce the effectiveness of the Russian security forces by decentralization of their potential targets. Chechens are no longer the only identifiable enemy of the Russian Army.

In fact, since the beginning of October, militants in Ingushetia, which is much smaller than Chechnya, have launched at least 29 attacks on the Russian Army and local police, killing 15 people and seriously wounding 16. In a belated acknowledgement that such violence cannot be allowed to continue indefinitely, Russian President Dmitry Medvedev on October 30 sacked Ingushetian President Murat Zyazikov (like Putin, a former career official in the Federal Security Service) and named as his temporary replacement army Colonel Yunus-Bek Yevkurov, whose sole claim to fame is as commander of the Russian paratroopers who occupied the Pristina airport in Kosovo in 1999.

Nine attacks were reported in Dagestan in which seven people were killed, and two in Kabardino-Balkaria, where a police lieutenant was shot dead. Even in Karachayevo-Cherkessia, a relatively quiet part of the North Caucasus, there was a gunfight on October 2 between a group of local militants and security forces.

Regardless of how you define war, one thing is certain: by no stretch of the English (or Russian) language can this be called peace."

Number of rebels and government forces (2009)

- About 600 rebels in Chechnya and Ingushetia in 2009; in 2008 the official estimate was 400-500 rebels
- There are reportedly a range of non-state armed groups, into some of which under-18s were recruited
- Operations against militants now carried out by law enforcement forces predominantly consisting of ethnic Chechens who are former rebels
- Russian government ended counter-terrorist operation in Chechnya in 2009, which includes withdrawal of 20,000 personnel

Memorial, 26 May 2009:

"The force of the rebels and their supporters has this winter been officially evaluated as follows: 120 people and up to 1237 supporters in Ingushetia; up to 500 rebels in Chechnya, the number of supporters was not submitted. For Dagestan such official evaluations were not announced. It should be recalled, that almost a year ago, in March 2008, the number of rebels on the whole territory of the North Caucasus was officially estimated at 400-500 people. At the same time, according to official statements, the rebels lost not less than 546 people who were killed, arrested or laid down their arms, through the whole year of 2008."

CSIS, 16 April 2009:

"The Kremlin declared an end to its decade long "anti-terrorist" operation in the North Caucasus republic of Chechnya on April 16, 2009. This declaration will result in the withdrawal of up to 20,000 military and security personnel..."

Memorial, 29 May 2009:

"On April 16, 2009, based on the decision of A. Bortnikov, the Chair of the National Anti-Terrorism Committee, Director of the RF Federal Security Service (FSB), the long maintained on the territory of the Chechen Republic counter-terrorism regime was lifted. As was announced, all the troops currently deployed in Chechnya on a temporary basis, will be gradually withdrawn from the republic. The only remaining troops will be the 42 Guards Motor Rifle Division of the RF Ministry of Defence and the 46 Separate Internal Troops Brigade of the RF Ministry of Interior, which are deployed in the republic on a permanent basis..."

We believe, however, that this change will not have much impact on the life of ordinary people in Chechnya. The degree of involvement of the federal military services in the counter-terrorism operations on the territory of Chechnya has at any rate been constantly diminishing over the past years. The troops operating on the plains rarely changed their deployment base and only operated in the highland regions. The absolute majority of block posts have been abolished. Comparing to the previous years less police forces from other regions of Russia are being sent to Chechnya...Since the lifting of the counter-terrorism regime on the territory of the Chechen Republic (over the period from April 16 to May 15) at least 6 armed attacks have already taken place, 10 servicemen and police officers were killed and 7 were wounded as a result."

Youth in Chechnya join rebels

Coalition to Stop the Use of Child Soldiers, 2008:

"Under-18s were reportedly recruited into opposition separatist forces in the Chechen Republic and other parts of the north Caucasus [during the period 2004 to October 2007]."

RFE/RL, 12 October 2008:

"In Chechnya, dozens if not hundreds of men, and some women, still join the resistance forces every year. Threats by Chechen Republic head Ramzan Kadyrov to hold responsible the parents of young men who do so have failed to stem the outflow."

Jamestown Foundation, 1 August 2008:

"The mass exodus of Chechen youth to the mountains was something that Ramzan Kadyrov particularly emphasized during his meeting with the Muftiyat (the Islamic clerical establishment) and all the imams of mosques and village kadis (Islamic judges) of the republic. Kadyrov's angry address to the meeting's participants contained several revelatory moments. He admitted that the young men continue to join the ranks of the resistance fighters in the mountains and acknowledged that the village imams, despite the fact that he provided them with funds and security details, either cannot or are afraid to carry out propaganda activities against the spread of Salafi ideology. Kadyrov vowed he would hold the family and relatives of every youth who departs for the mountains responsible for the youth's decision to join the rebels. Finally, Kadyrov said that anyone in a position of authority up to the post of director with relatives who joined the militants would have to convince those relatives to return or risk losing their jobs."

"Kadyrovtsy" allegedly responsible for human rights abuses (2009)

- Human rights abuses allegedly committed by "Kadyrovtsy", servicemen of Chechen President Ramzan Kadyrov who are technically part of the federal security forces
- Kadyrov with the assistance of his security force has allegedly committed massive human rights abuses, but neither he nor his servicemen have been investigated

HRW, 27 September 2009:

"Responsibility for law enforcement and counterterrorism operations in Chechnya has been transferred to local forces loyal to Moscow under the de facto command of Chechen President Ramzan Kadyrov. Serious human rights abuses persist, including executions, unacknowledged detention, torture and, although fewer in number, enforced disappearances.¹² Kadyrov and his forces have also been implicated in punitive house burnings of people believed to be linked to rebel fighters¹³ and to the brazen murder of Natalia Estemirova, a leading human rights activist and researcher in Chechnya for the Russian human rights organization Memorial. Estemirova was abducted by unidentified men on July 15, 2009; several hours later her body was found with multiple gunshot wounds. Less than a month later, Zarema Sadulayeva and her husband, activists with a local humanitarian organization, were abducted by men claiming to be from security services and later found shot.¹⁵ Kadyrov's forces have been implicated in these murders."

Memorial, 29 May 2009:

"The task of combating the armed underground and the opposition, as well as the "powers" related to this task and application of unlawful violence in connection with it were transferred to the republican security structures. The latter include the republican Ministry of Interior as well as the Russian Ministry of Interior Internal Troops battalions which consist largely of those who used to be referred to as "kadyrovists". They act in total defiance of the norms provided by the counterterrorism regime, frequently in total defiance of the provisions of the Russian law at all. Technically, they are part of the federal security forces, however, in actual practice they are only accountable before the President of the Chechen Republic. This is what makes this republic fundamentally different from all other subjects of the Russian Federation."

Dannreuther and March, 30 September 2008:

"[...] But Kadyrov is proving to be a more effective and capable leader than his unprepossessing exterior might suggest. The sources of his power certainly include brutality and repression, involving a pervasive recourse to torture, and Chechnya's reconstruction has a definite Potemkin-village element. But unlike earlier Russian-proxy leaders Ramzan has been reasonably efficient in getting insurgents to switch sides by striking the necessary balance between inducements (encouraging insurgents to join his security forces, the so-called *kadyrovtsy*, and benefit from the associate spoils) and threat (to insurgents' families)."

Orlova, 28 February 2008:

"Ramzan Kadyrov, with the aid of his security force, has engaged in massive human rights abuses and has relentlessly crushed his rivals, including people whose vision for Chechnya does not correspond with the one put forward by the Kremlin. At this point, Moscow has no choice but to acquiesce to Kadyrov's further consolidation of power and to his methods in exchange for his loyalty and the loyalty of the security forces that he controls."

Research Centre for East European Studies and Center for Security Studies, 5 June 2007:

"Another factor that will clearly pose long-term problems is the federal government's reliance on "Chechenization" to supplement large-scale repression as the means of combating separatism in Chechnya. Starting in early 2003, Putin claimed that the pro-Moscow Chechen government led by Ahmad-Haji Kadyrov would take over much of the responsibility for preserving order in Chechnya with the aid of the local police and security forces. The Chechen guerrillas sought to prevent the pro-Russian government from establishing a firmer hold and repeatedly targeted police officers,

especially the ones who (at Kadyrov's behest) had conducted mass roundups (zachistki) similar to those carried out by Russian troops. Many deadly bombings, shootings, and other attacks were directed against the Chechen police in 2003 and 2004, and in May 2004 the Chechen guerrillas planted a bomb that killed Kadyrov and other senior officials during a Victory Day celebration in the Chechen capital, Grozny. A subsequent wave of terrorist violence in Chechnya and elsewhere in the North Caucasus, combined with the federal commanders' distrust of Chechen officials, raised serious questions about whether Chechenization would remain a viable approach.

Putin, however, chose to continue moving ahead with Chechenization by giving ever greater authority to Kadyrov's son, Ramzan Kadyrov, a young and uneducated man widely known for his violent cruelty and for the egregious abuses committed by the roughly 15,000-strong security force he set up and oversaw, the so-called Kadyrovtsy. Ramzan Kadyrov was appointed a first deputy prime minister in the pro-Moscow Chechen government after his father's assassination and received a Hero of Russia medal from Putin in December 2004. In March 2006, Kadyrov became prime minister in the pro-Moscow government, and in February 2007 he was able to force Alu Alkhanov, who had succeeded Ahmad Kadyrov as Chechen president, to relinquish the presidency. A few weeks later, Ramzan Kadyrov became the new president, having reached the minimum age of 30 in October 2006. Kadyrov's consolidation of power has been strongly supported by Putin, despite the qualms of some of Putin's advisers, notably Igor Sechin.

In the short term, Kadyrov's consolidation of power has been a stabilizing factor in Chechnya. Using proceeds from a mandatory payroll tax on state-sector employees, Kadyrov has launched reconstruction projects in several urban areas, especially Grozny and his hometown, Gudermes, with impressive results. Funding for reconstruction in 2006 and 2007 was 500 percent higher than in 2004, when Kadyrov's father was assassinated. Equally important, in 2006 Kadyrov managed to convince hundreds of former guerrillas to switch sides and join the Kadyrovtsy. The federal government has had an amnesty program of its own for some time, but Kadyrov's personal assurances (and payoffs) to former rebels made a vital difference. Kadyrov has staunchly denied that the Kadyrovtsy ever engaged in kidnappings, torture, and other abuses for which they have long been known and feared, but he apparently did take steps in early 2007 to curb the worst of these excesses. In particular, the incidence of illegal abductions and "disappearances" declined significantly in the first several months of 2007. Nonetheless, although abuses and extralegal executions have been more carefully targeted against Kadyrov's perceived enemies (e.g., Movladi Baisarov) in 2007, normal legal procedures and restraints remain completely absent in Chechnya.

The future direction of Kadyrov's government in Chechnya remains highly uncertain. Soon after Kadyrov became president in early March 2007, he began bringing every significant administrative and security body in Chechnya under his de facto control and appointing close relatives to the highest positions, including Odes Baisultanov as prime minister and Adam Delimkhanov as first deputy prime minister. Kadyrov formed an Anti-Terrorist Commission in March 2007 with himself as the head of it, overseeing the Chechen Republic's branch of the FSB and other security units. Kadyrov has sought to bring all the security forces in Chechnya under his de facto control by eliminating or co-opting the Russian federal units that are still operating there (apart from the 50,000 or so federal troops that are not involved in day-to-day security, mostly in the federal Defense Ministry's 42nd Motorized Infantry Division and the federal MVD's 46th Internal Forces Brigade, both of which are to be permanently deployed in Chechnya). In particular, Kadyrov has sought to discredit the federal Operational-Investigative Bureau (OSB) No. 2, accusing it of having routinely used torture and committed atrocities in Chechnya. These accusations are well-founded but are also disingenuous. By voicing these allegations, Kadyrov not only hopes to shift blame from the Kadyrovtsy for the worst of the abuses, but also seeks to eliminate the only internal security organization in Chechnya that is not yet under his de facto control. In May 2007, Kadyrov formally asked the federal MVD to disband the OSB-2."

COE, 15 March 2006:

"[Mr. Ramzan Kadyrov, then acting Prime Minister and the Council of Europe's Commissioner for Human Rights] met for a private meeting during which we discussed two topics. First, the need to put an end to the illegal acts attributed to the forces under his [Kadyrov's] command - in particular, the so-called "anti-terrorist security forces", composed primarily of amnestied combatants – and the need to identify and prosecute those responsible.

Mr. Khadyrov declared that he was well aware that "there were problems of this kind", but that measures to purge this force of uncontrollable elements were being considered at the same time as how to integrate its members into formal local or federal law enforcement structures. Concerning their general conduct, Mr. Khadyrov referred, by way of example, to an operation that he had personally led the night before that had resulted in the arrest of a group of persons, amongst which there was an individual suspected of having collaborated in the assassination of his father, who had since been handed over to the competent authorities. Mr. Khadyrov added that he did not have any secret prisons under his control."

Enforced disappearances in Chechnya increasing since 2008 (2009)

- Number of enforced disappearances in Chechnya has decreased since 2005, but started to increase in 2008
- Cases may be underreported as victim's families are often reluctant to report details
- State agents allegedly involved in enforced disappearances in Chechnya
- Government has acknowledged the problem, but official data are contradictory and incomplete and investigations largely inconclusive
-

Enforced disappearances in Chechnya**Кавказский Узел, 9 июля 2009г.:**

"Напомним, что, несмотря на отмену на территории Чечни длившегося более девяти лет режима контртеррористической операции, ситуация на Северном Кавказе и в самой Чечне остается крайне напряженной.

По данным Правозащитного центра "Мемориал", в январе-апреле 2009 года, по сравнению с 2008 годом, в Чеченской Республике возросло число похищений людей. Всего за это время в республике были похищены 34 человека (20 из них - жители с. Дарго Веденского района Чечни). 27 человек из числа похищенных впоследствии были отпущены; двое найдены убитыми; двое пропали без вести; трое позже "обнаружились" в ИВС или СИЗО и теперь находятся под следствием.

С января по июль 2009 года, согласно подсчетам, основанным на архивных данных "Кавказского узла" и открытых источников, известно о 35 случаях похищений в республике, при этом 5 из похищенных мирных жителей были позднее найдены мертвыми.

За весь же 2008 год ПЦ "Мемориал" зафиксировал 42 случая похищений людей (за январь-апрель 2008 года - 7 человек)."

Мемориал, 2 июля 2009г.:

"После некоторого затишья, после почти полного прекращения похищений людей местными «силовиками» в начале 2007 года, число похищений вновь заметно возросло в первые месяцы 2009 г. Отмена режима КТО никак не повлияла на эту динамику. Есть

основания полагать, что многих молодых людей теперь похищают в целях «профилактической работы» с той или иной степенью насилия (см. ниже; впрочем, похищенные категорически отказываются говорить по возвращении об этом с близкими, тем более – с правозащитниками)...

В подавляющем числе случаев родственники похищенных, получив сыновей назад, не обращаются с заявлениями в правоохранительные органы, и вообще стараются не вспоминать и не говорить о произошедшем. Заявления подают, как правило, в самых тяжелых случаях – когда похищенный пропадает без вести надолго, или когда его находят убитым. Но и в этих случаях правоохранительные органы прилагают все усилия, чтобы не регистрировать эти преступления, не расследовать вовсе, или расследовать халатно."

AI, 1 July 2009:

"There are no exact figures of how many people were subject to enforced disappearance as a result of the two armed conflicts and the subsequent "counterterror" operation in Chechnya. NGOs estimate that during the second armed conflict alone, the number of people subjected to enforced disappearance was between 3,000–5,000. According to Abdulkakhir Izrailov, between 2000 and 2007, 2,707 people went missing following enforced disappearances and abductions. The Ombudsperson of the Chechen Republic, Nurdi Nukhazhiev, has stated that as of 1 October 2007 the figure was 2,826. The Ombudsperson continues to call for an interdepartmental commission on the federal level to investigate these cases. In the two years until May 2008, observers reported a decline in the number of enforced disappearances in the Chechen Republic. However, since May 2008, human rights defenders have reported an increase in the number of suspected enforced disappearances and abductions in Chechnya, reportedly committed by law enforcement agents. According to Memorial, the number of these abductions that have taken place in the first four months of 2009 in Chechnya was 58, compared with seven for the same period in 2008 (and a total of 42 abductions for the whole of 2008)."

Memorial, 29 May 2009:

"Over the period from 2007 and up to the mid-2008 the republican authorities, though not renouncing the practice of unlawful violence, nevertheless, demonstrated the tendency to reduce its scale. Human rights rhetoric was widely used by Ramzan Kadyrov in his contest for power in the Chechen Republic. This had resulted in a significant drop in the number of reported abductions and torture cases. However, starting with the late 2008 we can observe gradual return to earlier practices. We can currently speak of a steady growth in the number of abductions. The circumstances of these crimes indicate involvement of officers of the security authorities, chiefly of the Chechen Ministry of Interior...

The peculiarity of these abductions consists in the fact that in the majority of cases abductors release their victims after regular tortures and intimidation. This is regarded by the authorities as "terrorism prevention measures", and is also used for collecting information about people and forcing them to clandestine cooperation with the authorities. But the key goal here is to maintain the atmosphere of fear in the society. A minority of abductees are either killed or handed over by the abductors to their colleagues at the Ministry of Interior for registration of their "confessions".

It is difficult to assess the percentage of abductions that is currently covered by the attention of the Memorial Human Rights Centre but it is quite obvious that this number accounts for less than a half of all abductions. This category of crimes has become thoroughly latent in modern-day Chechnya, not being monitored by human rights campaigners and still less by law enforcement agencies, since families most often choose not to complain to anyone about abductions."

Уполномоченный по правам человека в Чеченской Республике, 16 апреля 2009г.:

"Отдельно Уполномоченным был представлен специальный доклад, посвященный проблеме установления местонахождения похищенных и пропавших без вести граждан.

В своем выступлении Нурди Нухажиев обозначил причины, способствовавшие бесследному исчезновению людей, и отметил, что вопрос установления местонахождения похищенных и пропавших без вести жителей Чеченской Республики требует немедленного разрешения.

- В докладе были проанализированы причины и условия, способствовавшие бесследному исчезновению людей. В частности, отмечено, что из возбужденных органами прокуратуры республики 1949 уголовных дел по фактам похищения людей, приостановлено за неустановлением лиц, причастных к их совершению, 1679 дел. И это при том, что во многих случаях имеются даты, время задержания и номера блокпостов, номера военной техники, фамилии, имена, отчества и радиопозывные военнослужащих, участвовавших в задержании, наименования подразделений, проводивших спецмероприятия...

Уполномоченный также подчеркнул, что одним из необходимых мер в решении проблемы установления местонахождения похищенных и пропавших без вести граждан является создание на территории республики лаборатории по идентификации эксгумированных тел."

Memorial, 14 October 2008:

"Since May 2008, the "Memorial" Human Rights Defense Center had recorded an increase in the number of kidnappings in Chechnya. This occurred after a reasonably long period of time, during which there were only sporadic cases of kidnapping and forced disappearances. According to "Memorial" statistics, during the three summer months 15 people were kidnapped, and eight of them in August alone (www.memo.ru/2008/06/19/1906081.htm). Naturally, these numbers are far from being exhaustive. We estimate that we record only about a third to a half of the total number of such crimes, however, the percentage of such crimes that go entirely unreported to law enforcement agencies or to human rights advocates may be even higher.

About one-fourth of victims were released by their kidnappers after several days. However both the victims and their relatives refused to share any information with the "Memorial" workers. This phenomenon, very common in Chechnya (as well as the refusal of eyewitnesses of kidnappings to testify, of doctors to record beatings and bruises etc.), is a clear indicator of citizens' fear of the uncontrolled and unaccountable tyranny of the "siloviki". Four kidnapped persons were found by their relatives in the local police stations, but by that time the police had already succeeded in getting criminal confessions from the unlawfully detained individuals. Seven kidnapped individuals have disappeared without a trace."

Memorial, 16 April 2008:

"Over the past year and a half the situation in the Chechen Republic has noticeably stabilized. There has been a notable decrease in the number of illegal arrests and abductions."

Statistics on enforced disappearances

Memorial, 16 April 2008:

"Based on extrapolation from our obviously incomplete information and on our analysis of official information, "Memorial" maintains that between 3000 and 5000 people have disappeared as a result of abductions, illegal arrests and detentions since the beginning of "the counter-terrorist operation" in the autumn of 1999. Unfortunately, for the moment, it is impossible to cite more precise figures. At that, we can state that the number of abductions we have recorded over the past six months has declined when compared with the same period two years ago."

Table: Number of abductions monitored by Memorial

Period	Number of Freed individuals abducted	of Freed abductors ransom	by Found or murdered	Disappeared	Discovered in detention facilities
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2005-2006	122	63	12	36	11
2006-2007	53	29	3	12	9
2007-2008	12	7	0	5	0

Government response to disappearances

CoE, 11 April 2008:

"The problem of disappearances was highlighted in the most recent reports by Mr. Bindig. In April 2006, the Ombudsman of the Chechen Republic, Nurdi Sadievich Nukhazhiev, published a special report on the problem of missing people in the Chechen Republic and the search for a mechanism to find them. A series of judgments by the European Court of Human Rights has confirmed the responsibility of the Russian authorities in cases of enforced disappearances, either directly or for failure to carry out effective investigations."

UN CHR, 26 January 2006:

"75. The Russian human rights commissioner Vladimir Lukin said on 10 December 2004 that 1,700 criminal cases involving disappearances of people in Chechnya had been launched since the beginning of 2004. The Commissioner for Human Rights of the Council of Europe reported that since Russian law had been reintroduced in the Chechen Republic, 1,749 criminal investigations had been opened into the disappearances of 2,400 people. He also acknowledged that the vast majority of those investigations had been put on hold. Additionally, human rights organizations report that there has not been a single conviction for enforced disappearance, despite recognition that the practice is widespread in the Republic."

Unacknowledged detention, torture and executions continue in Chechnya (2009)

- Unacknowledged detention, torture, executions and enforced disappearances persist in Chechnya
- Arbitrary detention and torture also during counterterrorism operations in Ingushetia
- These abuses are allegedly perpetrated by government security forces
- Investigations into unlawful treatment during detention are ineffective

Reports by human rights organisations

HRW, 27 September 2009:

"Responsibility for law enforcement and counterterrorism operations in Chechnya has been transferred to local forces loyal to Moscow under the de facto command of Chechen President Ramzan Kadyrov. Serious human rights abuses persist, including executions, unacknowledged detention, torture and, although fewer in number, enforced disappearances. Kadyrov and his forces have also been implicated in punitive house burnings of people believed to be linked to rebel fighters and to the brazen murder of Natalia Estemirova, a leading human rights activist and researcher in Chechnya for the Russian human rights organization Memorial. Estemirova was abducted by unidentified men on July 15, 2009; several hours later her body was found with multiple gunshot wounds. Less than a month later, Zarema Sadulayeva and her husband, activists with a local humanitarian organization, were abducted by men claiming to be from security services and later found shot. Kadyrov's forces have been implicated in these murders.

These violations are not restricted to Chechnya, but are becoming increasingly common in other parts of the North Caucasus. Human Rights Watch has documented executions, arbitrary detentions, and torture during counterterrorism operations in Ingushetia. In August 2009 a

prominent newspaper editor known for his criticism of local authorities' conduct of counterterrorism operations, was shot and killed in Dagestan. A few weeks later, an organization documenting human rights abuses in Dagestan lost nearly all of its computer and paper files in an arson attack that followed numerous threats, including from local security officers, against the organizations staff."

AI, 1 July 2009:

"Law enforcement officials continue to detain individuals without identifying themselves or the agency to which they belong, and without informing relatives where the detainee is being taken, in contravention of Russian law. This clearly renders the detainee vulnerable to incommunicado detention and other human rights violations, including enforced disappearance and torture or other ill-treatment. Amnesty International has also received reports of arbitrary detention – detention not carried out in accordance with national or international law. For example, people allege they have been detained for periods of time which were not officially recorded. Some detainees have alleged that they were held in unofficial places of detention and tortured before being transferred to official police custody. Both practices are in violation of international standards...

Unlawful killings continue in Chechnya. The Russian authorities are failing to conduct the necessary thorough, impartial and effective investigations into such killings to bring those responsible to justice in trials that meet international standards of fair trial. Russian law enforcement agents must comply with international standards governing the use of force and firearms and respect and protect the right to life. Every incident, in which the use of lethal force by law enforcement officials is alleged, should be thoroughly investigated to determine the legality of the use of force, with those found responsible for using excessive force or for unlawful killing brought to justice. The Russian authorities must ensure adequate reparation, including payment of compensation, to the families of victims of unlawful killings."

Memorial, 29 May 2009:

"Human rights defenders receive more and more information about torture."

Reports by international observers

COE, 29 September 2009:

"6. Another feature is the persistent use of illegal and violent practices by the security forces in their fight against the terrorists. Abductions, torture, degrading treatment, extra-judicial executions and trials on trumped-up charges continue unabated in the region. Furthermore, the situation of almost complete impunity for crimes committed by members of the security forces during anti-terrorist operations seems to endure. Nothing is known about what has happened to most missing persons and the people responsible are hardly ever called to account. The data base of the Memorial human rights centre lists over 3 000 cases of enforced disappearances, for which nobody has been prosecuted. The individual cases described in the appendix are just a small cross-section. It would be relatively easy to identify the guilty parties in these cases if there was truly a desire to do so.

7. Human rights organisations have recorded a large number of crimes, which, according to eye-witness accounts and other evidence gathered by these organisations, are most probably committed by security forces and state authorities conducting anti-terrorist operations in Chechnya, Ingushetia

and Dagestan. Members of the security forces usually state that all persons killed during special operations are combatants who resisted arrest. Nonetheless, signs of torture have been found on their bodies and witnesses say that they were abducted by often unidentified members of the security forces."

Women and children suffer violence and abuse (2008)

- Women and children have been subject to physical and sexual abuse and other violence, forced marriages and polygamy
- State agents take punitive measures against family members of those who have allegedly joined the militants, and women often suffer in this regard since they are often the ones left to head the family
- Women risk being ostracized by their family and community if they report they have been victims of violence or abuse, and cannot rely on protection from responsible authorities
- Internally displaced women are particularly vulnerable to abuse and gender-based violence

Memorial, 29 May 2009:

"The traditional customs also create a basis for violation of women's rights. Forcing women to wear a veil in public places is the best known example for the impairment of women's rights and the state's interference in private lives. Still a lot worse is that, what stays "out of sight". From an interview with Ramzan Kadyrov:

"I have the right to criticize my wife. The wife doesn't have this right. For us the wife is a housewife. The woman needs to know where her place is. [...] A woman has to be a possession. And the man is the owner."

Forced marriages, polygamy, marriage with under age girls – this is just one part of those violations of the Russian law, against which there is no defence in Chechnya right now. At the same time the Chechen traditions, that the current Chechen powers are so often referring to, contained many mechanisms, that constrained arbitrariness against women. But these mechanisms are virtually not effective in Chechnya."

Coalition to Stop the Use of Child Soldiers, 19 May 2008:

"There were credible reports that a parallel system of secret detention centres operated in the [Chechen] republic. Four of them were linked to Ramzan Kadyrov, appointed Chechen president by President Vladimir Putin in 2007. They included centres run by a regiment that guarded oil and other economic installations, "anti-terrorist centres", and two prisons in private houses. Other detention centres were run by two federal armed battalions and by special units of the Federal Security Service. Reports of torture at these detention centres, and the enforced disappearance of civilians arrested by armed unidentified masked men, were rife [...] Children were among the victims. In the run-up to parliamentary elections in November 2005, villagers from Noviye-Atagi told local human rights monitors that in September children aged 12, 13 and 14 had been among people detained and subjected to enforced disappearance, severe beatings and sometimes torture. The villagers believed they were being punished for not showing sufficient support for Akhmed Kadyrov, Ramzan Kadyrov's father, in the earlier presidential elections. Many people feared reprisals if they spoke about such abuses."

US DOS, 11 March 2008:

"There were continued reports during the year that government forces took relatives of Chechen rebels as hostages to force them to surrender. According to Memorial, on January 16, officers of

the Republic of Chechnya's Antiterrorism Center abducted five relatives of Khozh-Akhmed Dushayev in the village of Kurchaloy. Dushayev was wanted on suspicion of being a Chechen rebel. All five were later released. On April 15, officers from the Antiterrorism Center (ATC) detained relatives of Bislan Ilmiyev, an ATC officer under suspicion of aiding antigovernment fighters. Ilmiyev's wife, mother, one-year-old child, his brothers, their wives, and their children were detained. Ilmiyev's brother Ruslan was later released and ordered to find his brother, according to Memorial.

Chechen security forces seized relatives of Chechen commander Doku Umarov in May 2005, including his father, wife, and six-month-old son. They later released the wife and child, but the father's location remained unknown. In August 2005 security forces also detained Doku Umarov's sister, Natasha Khumadova. A source in the Urus-Martan district administration told Interfax that armed persons broke into Khumadova's house and threatening her with weapons, led her away. In August Chechen officials erroneously announced that Umarov, who later became the separatist "president," had voluntarily surrendered. Subsequent reports noted that it was Umarov's older brother, Akhmad, who surrendered. Appearing at a press conference with Chechen officials, Akhmad Umarov said that he had been arrested in March 2005 and held by authorities since. Human rights activists suggested that Akhmad Umarov had never participated in fighting alongside rebels, and that his detention was an effort to pressure Doku Umarov to surrender. At year's end there was no further information on the whereabouts of Umarov's relatives."

UN, 15 January 2008:

"The issue of lack of required state and non-state psychosocial assistance and results of the last IMC assessment has been extensively discussed. Despite a number of activities taken by UN agencies and NGOs there is still a strong remaining need for functioning and available state capacity building in areas of psychological and psychosocial professional support. The latest IMC conducted survey within its "prevention of gender based violence" illustrated the necessity for strengthening state and community capacity for highlighting the importance of violence based actions; their understanding; types of possible assistance; role of state actors, etc. The survey and further operation of 2 IMC mobile teams staffed by trained counsellors revealed large number (more than 100) GBV survivors only within the first two months, including cases of rape of young children, forced polygamy, sodomy, beating, and major abuse. There has been a low level of required intervention from the side of responsible state actors (police, MoH, MoE, etc.) to get involved in prevention and follow up with consequences of such cases largely shadowed by the existing social norms and traditions. There has been initiative by IMC to develop a series of workshops targeting district police officers to get updated on the available state instruments in any of GBV cases. IMC is developing similar activities for school children, school teachers, village administrators and youth groups."

UN CHR, 26 January 2006:

"Violence in the private sphere

52. Women in the North Caucasus, like women elsewhere, are subjected to violence in the private sphere. The strong traditional patriarchal norms of family honour as well as the state of affairs in the region reinforce violence and perpetuate the silence surrounding it. Reportedly, women can be ostracized by their community if they report domestic violence. With the breakdown of law and order, severe lack of confidence in the authorities and pressure on women from marginalized groups to maintain group cohesion, taboo and silence have become the rule. Internally displaced women in particular face acute pressure to submit to abusive relationships. A study undertaken in 1998 by the World Health Organization found that gender-based violence tended to escalate among Chechen refugees. International observers have also reported forced marriages, polygamy and blood feuds as factors that increase the vulnerability women in this region. Ingush parliamentarians told the Special Rapporteur that they are particularly concerned

about bride abduction and that a draft amendment to the Penal Code has been submitted to the Republican Duma to address this.

53. Ensuring security and establishing a sustainable peace in Chechnya were the priority concerns for everyone the Special Rapporteur spoke to in the region. However, it is evident that the conflict and the current military operations have had contradictory implications for women. Some women reported greater solidarity and less abuse within the family in response to the losses they experienced during the conflict. Others, however, including young women, were more burdened by the pressures of patriarchal scrutiny [...]

55. Six years after the resumption of hostilities, violence continues to prevail in the North Caucasus. Although men are the targets of most human rights violations perpetrated by State agents, women are increasingly targeted, both as relatives and as targets themselves. The Special Rapporteur heard testimonies from relatives of women who had disappeared and had been victims of extrajudicial execution, torture, rape and ill-treatment allegedly by members of the security forces. The Special Rapporteur was told that the bodies of 3 women had been found dumped in Grozny at the time of her visit and that the fate of another 21 women remained unclear. In the absence of the rule of law, the civilian population suffers abuse by both security forces and Chechen armed groups, creating a climate of fear and insecurity. People expressed the opinion that a war was better than the current situation of “guerrilla warfare”, which makes life totally unpredictable, distracts international attention and diverts humanitarian assistance from the region.

56. The authorities explained that targeted operations are not a State policy. However, women have become even more vulnerable to human rights violations due to the counter-terrorist strategy adopted in response to suicide bombings allegedly committed by “black widows”, the term for Chechen women avenging the deaths of family members. On 9 July 2003, Order No. 12/309 also known as “Operation Fatima” was issued, instructing police to detain all women wearing traditional Muslim headscarves. Reportedly women are also strip-searched at military checkpoints. Local NGOs explained that such operations were most humiliating for women as sometimes male guards conduct the searches in front of their family members.

57. The Special Rapporteur was also informed that under “Operation Fatima”, women are arbitrarily detained and criminal charges are opened against them. While in detention, they may encounter torture and gender-specific violence, such as rape and other kinds of sexual abuse to make them reveal the whereabouts of male relatives or to “confess” to crimes such as trafficking of weapons. Very few cases of sexual abuse are reported to the authorities, in part due to tremendous shame, social stigma and patriarchal repercussions, as revealed by the following statement of a Chechen woman.

58. “If they (raped women) come home, they would be better off shooting themselves. If anyone laid a hand on them they’d be written off for good here in Chechnya. It’s a kind of law. A sullied daughter is worse than a dead one to her father. It’s a terrible disgrace. She’ll never get married and no one will say a kind word to her, even though it’s not her own fault she was dishonoured.”

59. “Operation Fatima” has led to many women being detained on weak legal grounds. During the visit of the Special Rapporteur, Moscow News ran a story about a Chechen woman, Ms. Murtazalieva, who was detained on suspicion of recruiting terrorists and planning terrorist acts in Moscow. Human rights defenders informed the Special Rapporteur that the evidence presented against her was very weak. The Special Rapporteur expressed her concern to the Government about this and other similar cases, as Caucasian women generally seem to be increasingly targeted.

60. In addition to fear of being ostracized by the community and family, many women reportedly also fear reprisals by the police or security forces. In cases where women have attempted to report these crimes, the police have allegedly not started any criminal investigation.

61. Women in Chechnya are also targeted due to their relationship to Chechen fighters, or alleged fighters. Punitive actions against relatives include burning private homes, destroying their means of livelihood, and hostage-taking to force the fighters out of hiding or to extort information about their whereabouts.

62. After the Beslan school hostage-taking in September 2004, more than 300 relatives of the hostage-takers, including women and children, were reportedly detained by official command [...] The detention of innocent people as hostages by the State is contrary to international law. Chechen women, often the only remaining relatives, are thereby made vulnerable to incommunicado detention, torture and ill-treatment. Furthermore, it has been observed that this strategy is counter-productive as for Chechen men, inability to protect their women and elders is a strong blow on dignity and it strengthens the motivation of combatants to continue the guerrilla war by urge for revenge [...]

65. During her mission, the Special Rapporteur visited a temporary settlement in Ingushetia for Chechen IDPs. At a meeting with a group of women, she was told that their main concern was the continuing insecurity in Chechnya, where they feared they might be forced to return. In addition, there are numerous reports of targeted operations taking place against the camps in Ingushetia. This was confirmed by the women the Special Rapporteur met with, who told her about regular passport controls in the camp, reportedly carried out by Russian security officers wearing masks and arriving in vehicles with number plates blacked out. The women also spoke of corruption; for example, they were often forced to pay bribes in order to pass checkpoints."

AI, 30 November 2006:

"Case 9.

Torture history. 34-year-old Chechen woman who was arrested in her home in the spring of 2005 and detained for two days by Russian troops who were masked during her arrest. The examinee was transported to an empty house, blindfolded and her hands were tied behind her back. The examinee was interrogated about the other inhabitants of her village, among other things, and was tortured during the interrogation. The abuse consisted of electric shocks from an old hand generator that looked like a telephone; the examinee was raped several times by two persons and kicked in the chest and lumbar region of the back, and subjected to random blows. The examinee felt that she was "treated like a dog." The examinee was further threatened that next time her children would be detained too...

Case 17

Torture history. 44-year-old Chechen woman who was detained for 5 days in 2001 in a Russian military building. She was subjected to daily blows and kicks all over her body, her head was knocked against the wall, she was dragged down the stairs in a prone position, made to go naked, received death threats to herself and her family, was handcuffed and blindfolded and subjected to mock execution [...]"

Family members of rebels and the disappeared at risk of human rights abuses (2009)

- Family members of the disappeared who have sought information on the whereabouts of their missing relatives have been harassed and intimidated
- Family members of suspected rebels have also been intimidated, detained, evicted and had their houses burned down

- Rebels have also burned down houses of those who abandoned the rebels for the government

Reprisals against relatives of disappeared people

AI, 1 July 2009:

"In a number of cases, relatives of persons who are feared to have been subjects of enforced disappearance have been warned not to continue their search. Amnesty International knows of at least one case where the family was reluctant to publicize a suspected enforced disappearance as they had been "advised" by a relative working in law enforcement that this could reduce the likelihood of the individual being returned home alive. Therefore this and other cases remain unpublicized. Relatives of the missing persons who persist in demanding information and justice have been subjected to harassment, intimidation and other forms of reprisals. Young men are particularly fearful of reprisals, and many either try to avoid sleeping in the same place twice, or leave the country altogether. It appears that the fear is particularly acute when Chechen law enforcement officials are thought to be responsible for the enforced disappearance."

Punishment of family members of those allegedly linked to rebels

HRW, 2 July 2009:

"Human Rights Watch is aware of 25 cases of punitive house burning that can be attributed to Chechen law enforcement personnel between June 2008 and March 2009 in seven districts of Chechnya: ten in Kurchaloi, six in Shali, four in Vedeno, two in Naur, and one each in Shatoi, Achkhoy-Martan, and Grozny districts..."

All the affected families, whose homes were burned, have among their close relatives alleged insurgents, usually sons or nephews. In most cases, prior to the house-burning, law enforcement and local administration officials strongly pressured the families to bring their relatives home "from the woods" and threatened them with severe repercussions for failure to do so. Some burnings occurred very soon after a rebel attack in the vicinity and therefore appeared to have been motivated by retribution.

Notably, in 2008 high-level Chechen officials, including President Kadyrov, made public statements explicitly stating that the insurgents' families should expect to be punished unless they convince their relatives to surrender. While such statements may not constitute direct instructions for law enforcement agents to destroy houses of insurgents' families, they encourage such actions by police and security personnel by sending a strong message that lawless, punitive actions will be tolerated or condoned... The victims were generally told in clear terms that complaining about the house-burning would lead to further repercussions."

AI, 1 July 2009:

"Relatives of those suspected of being members of armed groups are pressured to persuade their family members to lay down their arms, and in some cases to go and search for them ("in the mountains" or "in the forests") to bring them back. Reportedly, the pressure has included intimidation, arbitrary detention, forced evictions and destruction of houses. In August 2008, President Kadyrov announced on television that "those families whose relatives are in the forest are accomplices in crime. They are terrorists, extremists..."

Memorial, 29 May 2009:

"In the Chechen Republic the practice of burning houses of relatives of rebels is continuing. The arson is committed openly and demonstratively by armed people in camouflage and masks. President R. Kadyrov stated the following about the relatives of rebels in public: "The Chechen traditions have to be applied. In earlier times people like that were cursed and cast out. [...] These

families, whose relatives are in the woods, are accomplices in the crimes, they are terrorists, extremists, Wahhabists and Shaytans (devils)". Since October 2008 the HRC "Memorial" has registered cases of arson in ten families, that are relatives of rebels. It is obvious, that this number is not comprehensive. To be fair we have to admit, that an analogue practice has earlier been actively used by rebels against people, who had changed sides to the current republican power."

NYT, 29 September 2008:

"In a campaign to punish families with sons suspected of supporting the insurgency, at least a dozen homes have been set ablaze since midsummer, residents and a local human rights organization said [...] Since 2005, however, the insurgents have been weakened, and have not conducted large-scale operations in Chechnya [...] Many rebels have switched sides. A sizable fraction of the remnants have moved to neighboring Ingushetia, where the Moscow-backed local government is weak. The events of this summer, however, have made clear that the rebels have proven resilient and remain able to recruit new members. And the Chechen government, attuned to the intensive loyalties that define family life in the Caucasus, has applied intensive pressure on what it sees as the insurgents' vulnerability: their relatives [...]"

Landmines still contaminating Chechnya (2009)

- Chechnya is still heavily contaminated by mines and ERW, but the exact extent is unknown
- By the end of 2006 more than 3,000 people had been killed by landmines or UXO in Chechnya since 1995
- Government forces and rebels continue to use mines in Chechnya, though disarming also continues
- Information on the risks posed by landmines and unexploded ordnance to IDPs and returnees could not be found among the sources consulted

ODI, 28 February 2009:

"There are no figures on the number of landmines laid, but according to UNICEF by 2007 over 700 people had been killed in landmine explosions (IMSMA, 2007), one of the highest per capita rates ever documented. Young men between the ages of 17 and 29 are particularly at risk (OCHA, 2007). A limited amount of de-mining is being undertaken, but reports indicate that both Chechen rebels and Russian forces continue to use mines. Apparently Russian mines are laid in accordance with requirements that 'all necessary documentation for minefields is retained', and that minefields 'are fenced and the civilian population informed' (Landmine Monitor, 2006)."

ICBL, 12 November 2008:

"Russia is heavily contaminated with mines and explosive remnants of war (ERW), much resulting from World War II as well as conflicts in the north Caucasus since the 1990s. In addition to Chechnya, mine/ERW incidents have been reported in Dagestan, Ingushetia, and North Ossetia. ERW remain an acute problem in Dagestan, specifically in Botlikh, Buynaksk and Novolaksky districts.[26]

Chechnya is heavily contaminated by mines and ERW, but the exact extent of the contamination is unknown.[27] In 2008, Chechen officials estimated 24.5km² of land is affected—including 7.3km² of forest and 16.5km² of farmland.[28] Previously, the UN reported claims by a Russian commander that "123 formal minefields of all types have been laid in Chechnya since the start of the conflict," and that "all parties to the conflict have used mines around checkpoints, temporary positions and military bases." The report also estimated that 15% of all munitions used in the fighting for Grozny did not explode.[29]...

Russia used cluster munitions extensively in Chechnya between 1994 and 1996 and again in 1999. Russian forces made use of multiple types of cluster munitions, including air-dropped bombs, tactical missiles, and multiple rockets systems, and directed many of its cluster munition attacks at civilian areas. The attacks led to at least 636 casualties, including 301 deaths, according to Handicap International....

The Russian domestic media regularly has stories of bombings and attacks against state structures conducted by insurgent, separatist, or criminal groups in Chechnya, Dagestan, Ingushetia, North Ossetia, and other locations. While many reports referred to "landmines," it appears that in most cases, armed groups used command-detonated improvised explosive devices (IEDs), time-delay bombs, or antivehicle mines, according to available information in media reports."

ICRC, 27 May 2008:

"In Chechnya, mines continued to pose a risk to the civilian population, with 26 incidents recorded in 2007. The Chechen authorities made the issue a priority, conducting mine clearance and establishing a coordination centre involving the relevant ministries."

UN OCHA, 12 December 2006:

"According to the UNICEF-managed IMSMA (Information Management System for Mine Action) database, as of end-October 2006, some 3,061 civilians (including 753 children) had been killed or injured by landmines and UXO in Chechnya since 1995. In addition, landmines and UXO aggravate the social and economic vulnerability of the population, including by hindering access to agricultural land and increasing the existing challenges to the physical reconstruction of houses, factories, and infrastructure."

Reprisals against applicants and their lawyers to the European Court of Human Rights (2009)

- Chechen applicants to European Court of Human Rights have been harassed and even murdered
- Family members and legal representatives of applicants are also pressured
- Some have withdrawn their claims, while others have been discouraged from applying to the Court

AI, 1 July 2009:

"For over a decade the victims of human rights violations in the North Caucasus and their families have been waiting for truth and justice. They want justice for themselves and their loved ones, to know the fate and whereabouts of relatives and friends who are among those subjected to enforced disappearance, and they want those responsible brought to account. But those who seek redress from the authorities are at risk of reprisals. Despairing of obtaining justice from the Russian authorities, some people have turned to the European Court of Human Rights, and in doing so some have suffered reprisals, ranging from harassment and threats to, in some cases, death or enforced disappearance. The number of cases in which the European Court of Human Rights has found Russia responsible for human rights violations in Chechnya alone exceeds 100 as of May 2009. However, these judgments have not been fully implemented to ensure justice for the applicants, and non-repetition of the violations in the future."

CoE, 10 February 2007:

"Illicit pressure has also been brought to bear on lawyers who defend applicants before the Court and who assist victims of human rights violations in exhausting national remedies before applying

to the Court. Such pressure has included trumped-up criminal charges, discriminatory tax inspections and threats of prosecution for "abuse of office". Similar pressure has been brought to bear on NGOs who assist applicants in preparing their cases. Such acts of intimidation have prevented alleged victims of violations from bringing their applications to the Court, or led them to withdraw their applications. They concern mostly, but not exclusively, applicants from the North Caucasus region of the Russian Federation.

In November 2006, I received a memorandum by the European Human Rights Advocacy Centre detailing twenty-three concrete instances of pressure on applicants by different authorities on applicants from the Chechen Republic and other Republics in the North Caucasus region of the Russian Federation. The acts of intimidation detailed in this memorandum range from oral threats to outright murder of the applicant or close relatives. Such threats are said to have emanated from a wide variety of persons in positions of authority, including members of federal or republic security forces (military, police, FSB), as well as from officials of prosecutors' offices. None of the cases of killings of applicants or their relatives have, to date, been resolved."

ECRE, 22 March 2007:

"NGOs have also expressed concerns that the "Chechenisation" of the conflict, repercussions against those who have applied to the European Court of Human Rights and the continuing atmosphere of impunity in Chechnya now mean that those who have suffered torture and other inhumane and degrading treatment are now much less likely to report it to NGOs and other bodies. They prefer to keep quiet and pay bribes in the hope of having the bodies of their loved ones returned to them."

AI, 23 May 2007:

"Scores of people, despairing of finding justice in Russia, have turned to the European Court of Human Rights, but have faced additional intimidation, threats and violations as a result of this step[...] the authorities appear unable to guarantee the safety of lawyers, witnesses or even investigators in cases of enforced disappearance, which severely hampers the possibility of effective investigation. serious human rights violations continue to be reported..."

HRW, 30 September 2007:

"Unable to secure justice in domestic courts, hundreds of victims of abuse have filed applications with the European Court of Human Rights. Russian law enforcement and military have responded by harassing and further abusing victims who have filed with the court. At least one applicant was murdered and another "disappeared.""

NHC, 30 April 2008:

"As noted above, pressure against applicants has continued after their cases have been decided in Strasbourg, possibly aimed at impeding the full execution of the Court's decision."

Memorial, 31 July 2006, p. 6:

"Harassment against applicants to the European Court of Justice continues, along with pressuring of witnesses, torture of prisoners, coerced confessions, self-incriminations and incrimination of other people and huge sentences for crimes not committed."

Significant reconstruction in Chechnya (2009)

- There has been significant reconstruction in Chechnya, but much remains to be done
- In the process there have been delays in salary payments of construction workers and widespread corruption
- A new federal programme for reconstruction in Chechnya was approved

Memorial, 29 May 2009:

"The effective reconstruction of settlements in the Chechen Republic through huge funds, allocated out of the federal budget, has increased the popularity of the current republican authorities among the population. This was done with absolutely non-transparent financial schemes. This approach inevitably led to erratic spending of money, theft, charges for the population and enrooted arbitrariness as well as the absolute power of the authorities. The examples of bureaucratic arbitrariness in the republic are striking, even when compared to other regions of Russia.

For example, on October 5, 2008, on R. Kadyrov's day of birth, Chechen authorities inaugurated a new avenue named after Putin. However, until recently, this avenue was called the Avenue of Victory and was rebuilt in 2007. But in the summer of 2008, the reconstruction started again. Expenses for reconstruction were split between businesses and state institutions with offices located at the avenue. The day after the new avenue was opened, workers who came to their offices at the avenue found out that the buildings were sealed. The workers could only enter the offices if they paid a significant sum of money to representatives of construction firms. No documents to prove the fact of payment were filled out."

Правительство РФ, 31 декабря 2008г.:

"В рамках реализации федеральной целевой программы «Восстановление экономики и социальной сферы Чеченской Республики» на средства федерального бюджета проводится работа по восстановлению жилья, объектов социальной сферы, учреждений, организаций и других объектов Чеченской Республики.

В Чеченской Республике в полной мере функционируют все органы государственной власти, суды, правоохранительные органы. В населенных пунктах действуют учреждения здравоохранения, социальной сферы, общеобразовательные школы, три высших учебных заведения, неправительственные организации."

Research Centre for East European Studies, 4 December 2008:

"The Chechen war is over, but the peace within the republic remains fragile. Then Russian President Vladimir Putin appointed Ramzan Kadyrov president of Chechnya in March 2007 and he now concentrates vast powers in his hands, making all the important political decisions, controlling the financial flows from Moscow, and ruling over a large number of security forces loyal to him. The situation in Chechnya has greatly improved over the past two or three years, but the challenges to establish an effective peace remain. Kadyrov did not manage to completely eliminate the old guerilla resistance, which is still able to carry out attacks against Russian and pro-Kadyrov forces.

By 2008, the situation in Chechnya had improved considerably. Large scale stabilization projects are currently under way in the economic and social spheres. Kadyrov distributes and supervises the federal funds and other resources issued for reconstructing the republic, such as the compensation payments for those who lost their property during the wars. He thus benefits from the important financial assistance flowing from Moscow, which amounted to some 20 billion Russian rubles (roughly \$740 million) in 2006, according to First Deputy Chairman of the Chechen Government Odes Baisultanov. He also manages additional money flows related to local oil and petroleum product concerns and the construction and transport businesses, which are channeled through the Akhmed Kadyrov Fund without transparency. There is no public information on the amount of money these sources generate. Another source of income is from taxes. Recently, the Chechen government obtained the right to control a proportion of its domestic tax revenues, which amount to not more than 500 million rubles annually (\$18.5 million). In July 2008, the Russian Federal government approved the Federal Targeted Program "Socio-

economic Development of the Chechen Republic for 2008–2011,” the total funding of which amounts to about 120 billion rubles (\$4.4 billion)...

It would be an exaggeration to attribute the improvement in Chechnya to Ramzan Kadyrov alone. Certainly, the Russian army presence and the spread of the conflict to other republics helped to improve the security situation in Chechnya. But Kadyrov's role was nevertheless crucial. The economic and social renewal makes the separatist groups in the mountains less attractive for the young generation. Corruption and nepotism did not disappear, but the possibilities offered by the Chechen government in education, administration and business-related areas (such as reconstruction) offer real opportunities to rising cohorts. Additionally, arbitrary arrests and police pressure are declining. Individuals now feel more secure, proving that the Chechen security forces under Kadyrov's direct control are more effective and better behaved. There is a clear contrast with the first years of the second conflict, when the Chechen people suffered terrible abuses by Russian soldiers and pro-Russian Chechen militias. Given the extensive unemployment, there are still numerous potentially discontent young people, but the number of volunteers for Jihad is not as high as it was in previous years."

ACCORD, 22 April 2008:

"When the presidency changed from Alu Alkhanov to Ramzan Kadyrov, it was the beginning of impressive construction programmes in Chechnya. Not only President Kadyrov himself, but also private businessmen and the Russian government raised a lot of money for the region, which is being used for the reconstruction of roads (e.g. from Nazran in Ingushetia to Grozny), houses, schools, hospitals, streets, streetlights, power lines etc. As often mentioned, what was reconstructed first of all in Chechnya were the mere facades in the centre of Grozny with nothing behind. But in the last years the renovation of the city centre has been finished, and by now the building activities have achieved a decent quality."

Memorial, 16 April 2008:

"Rehabilitation of settlements in the Chechen Republic is proceeding at a rapid pace. Cities and villages, including those in the mountains, are all being rebuilt. The reconstruction of infrastructure in the mountainous Vedeno district is scheduled for 2008. Many villages are now even supplied with gas, even if they had not been supplied with it before the war. The construction is financed by funds allocated from the federal budget as well as by extra-budgetary sources and loans."

CoE, 11 April 2008:

"Since the adoption of the last report by Mr. Bindig in January 2006, there has been, according to concurring reports from the very few international observers granted access to the region, an indisputable improvement in the population's material situation, particularly as regards the reconstruction of buildings and infrastructure in the Chechen Republic destroyed during the two periods when the conflict was at its most intense."

Swisspeace, 15 November 2007:

"Not only in the city of Grozny, but across the entire republic, drastic change is visible although the scale of destruction was so large that much remains to be done [...] New houses are being built as well as electric power lines, water supply networks, etc. Gasification of the restored settlement of Bamut that was nearly completely destroyed during the war is almost finished [...] Main bridges on the Terek River have also been reconstructed."

The draft of a new federal program targeting the reconstruction of the Chechen Republic has been completed. It was discussed and updated in September at the Ministry for Regional Development now headed by the former presidential envoy in the South Federal district Dmitry Kozak. The sum of 110,7 billion rubles is likely to be allocated from the state budget to finance

this program. These vast resources, according to the Chechen experts, will be sufficient to fully restore the economy, social sphere and housing in Chechnya [...]"

Punitive house-burnings (2009)

- Houses of alleged members and supporters of Chechen authorities burnt by insurgents
- Houses of alleged rebels burnt by government forces
- There were 25 reported cases of punitive house burning in Chechnya over a 10-month period
- Victims threatened with repercussions if they report their house-burning
- Not one criminal case has been opened regarding the house-burnings

Мемориал, 25 марта 2009г.:

"В Чеченской Республике продолжается практика поджога домов родственников боевиков. С лета 2008 года ПЦ «Мемориал» зафиксировал 26 подобных случаев (Приложение 1). Без сомнения, поджоги домов осуществляются с целью давления на родственников людей, чьи дети находятся «в лесу». Они исполняются, как минимум, с одобрения властей Чечни."

HRW, 2 July 2009:

"Today, the armed conflict in Chechnya has subsided and the capital, Grozny, has been largely rebuilt. However, abuses such as torture, illegal detention, and extrajudicial executions persist (albeit on a smaller scale), and impunity for past and ongoing abuses is rampant. The perpetrators of ongoing violations are mainly law enforcement and security personnel under the de facto control of the republic's president, Ramzan Kadyrov.

Although insurgent attacks in Chechnya are now distinctly less frequent than in the neighboring North Caucasus republics of Ingushetia or Dagestan, they continue to occur sporadically. The insurgency has a loose agenda to overthrow the government and create an Islamic state in the Caucasus. Working toward those objectives, insurgents have been using a variety of violent tactics, including killings and house-burnings, against members and supporters of the pro-Moscow Chechen authorities: policemen, security personnel, administration officials, and their family members.

The perpetrators of these and other crimes must be held accountable under the law and in accordance with international fair trial standards. However, unlawful tactics used by insurgents can in no way justify the use of similar tactics by government forces fighting against the insurgency, particularly burning of houses and other types of persecution against families of alleged rebel fighters.

Human Rights Watch is aware of 25 cases of punitive house burning that can be attributed to Chechen law enforcement personnel between June 2008 and March 2009 in seven districts of Chechnya: ten in Kurchaloi, six in Shali, four in Vedenov, two in Naur, and one each in Shatoi, Achkhoy-Martan, and Grozny districts...

All the affected families, whose homes were burned, have among their close relatives alleged insurgents, usually sons or nephews. In most cases, prior to the house-burning, law enforcement and local administration officials strongly pressured the families to bring their relatives home "from the woods" and threatened them with severe repercussions for failure to do so. Some burnings occurred very soon after a rebel attack in the vicinity and therefore appeared to have been motivated by retribution.

Notably, in 2008 high-level Chechen officials, including President Kadyrov, made public statements explicitly stating that the insurgents' families should expect to be punished unless they convince their relatives to surrender. While such statements may not constitute direct instructions for law enforcement agents to destroy houses of insurgents' families, they encourage such actions by police and security personnel by sending a strong message that lawless, punitive actions will be tolerated or condoned...

The victims were generally told in clear terms that complaining about the house-burning would lead to further repercussions. Consequently, only in three cases known to Human Rights Watch did victims file complaints with the authorities. In another three cases the victims agreed to have Memorial, a leading Russian human rights NGO working in the North Caucasus, raise their cases with competent authorities. At least two of the families were then threatened by the district law enforcement authorities and forced to sign a statement that the fire had been caused by their own carelessness. At this writing not a single criminal case into the allegations of house-burning in Chechnya has been opened by the law enforcement authorities."

А также смотрите [В Чечне снова поджигают дома](#) , Мемориал от 26 июня 2009г.

Physical safety in other areas of North Caucasus

Insecurity rises throughout North Caucasus (2009)

- Attacks increasingly reported throughout the North Caucasus, including Ingushetia, Dagestan, North Ossetia, Kabardino-Balkaria
- A number of rebel groups operate with different members, techniques, targets and aims
- Universal challenge in the region is Islam, not separatism, and governments have very different structures of support and opposition

CSIS, 31 August 2009:

"Summer 2009 has been exceptionally violent, with July the bloodiest month in years."

Wall Street Journal, 25 August 2009:

"One of the biggest myths perpetrated by Vladimir Putin's propaganda machine is that during his 10-year rule over Russia, the former president and current prime minister succeeded in "pacifying" the North Caucasus. Nothing could be further from the truth. What we are witnessing today is the start of the third Caucasus war in 15 years, following the two Chechen wars of 1994 and 1999.

There was the June 22 attack on Ingushetia's President Yunus-Bek Yevkurov, the recent murders of Chechen human-rights activists Natalia Estemirova and Zarema Sadulaeva, and last week's terrorist attack in Nazran, which killed scores and maimed hundreds. Add to these the near-daily attempted murders of police officers in Dagestan (according to the local interior ministry, there have been 128 murder attempts against law-enforcement officials since the beginning of this year alone) and the constant kidnappings in Chechnya (Russian human-rights watchdog Memorial documented 74 kidnappings and 16 killings of Chechen residents between January and June). And this is only an abridged catalogue of the blood spilled in the North Caucasus during the past few months."

FEWER, 26 June 2009:

"The most important characteristic of the current situation in the North Caucasus is the sharp contrast between visible stability on the sociopolitical surface and the fierce underlying struggle between actors competing for power, economic gain, and social influence outside of the domain of public politics. The main conflict-generating factors are the following:

- The clans (groups united by special economic and political interests) that struggle for influence in most North Caucasian republics have occupied long-term and well-protected spaces in local political and economic structures. They have capitalised on the feature of the Russian governance system that is based on the "vertical" top-down alignment of power. Some newly appointed federal officials feel powerless and have adopted the logic of clan relations pledging de facto allegiance to selected clans.
- The lack of legal sources of income for the population, high unemployment as well as poverty, well-hidden behind the facades of impressive Caucasian homes, emerge as a key cluster of structural conflict-generating factors. This is further reinforced by decades of migration from the mountains to the plains. The excess labour supply in the republics has triggered economic migration to more developed regions populated predominantly by Russians, which stirs up inter-ethnic tensions.
- Proliferation of religious extremism among the youth is a phenomenon rooted in the scarcity of constructive secular channels for expressing opposition to the system and a reaction to suppression of political opponents by force. With the weakening of the adat common law system, Islamic religious values have become stronger, while at the same time presenting a convenient space for expressing opposition ideas. The growing influence of politicised Islam is also a reflection of the search for an alternative social system capable of delivering justice and security.

Undemocratic elections and apparent falsification of elections results (turn-out and supportive vote exceeding 90%) across the region are undermining basic governance and have resulted in the growth of distrust of authorities at all levels. Manipulation of the democratic process corrupts the political leadership and contributes to the development of extreme forms of opposition (based on both secular and religious ideologies). Due to a number of traditional self-governance mechanisms and internal balances, Caucasian societies are well-placed to start transforming conflicts into democratic processes. Mishandling and misdirecting this popular readiness through apparently fraudulent elections has the potential to increase the risks of violence.

- The war in August 2008 between Georgia and Russia has given rise to a political perception that parts of the South Caucasus now belong politically to the North Caucasus. This new reality will undoubtedly have an influence on the political sentiments of the Ossetins and Cherkess. Many Ossetins remain members of the well-armed paramilitary groups. Among both ethnic groups there is a revival of certain ideologies of integration and consolidation. One is the enlargement of Adyg/Cherkesspopulated administrative regions in the North Caucasus into one large formation. Another is the unification of North and South Ossetia within Russia.
- The region's web-based media have become considerably more politicised over the last three years. Inter-ethnic and intergroup tensions are mirrored in numerous web-sites promoting harshly critical or, at times, openly hostile attitudes to rivals and adversaries. Ingushetiya.ru (now registered as www.ingushetia.org), for example, has become the centrepiece of the Ingush opposition propaganda, acquiring a symbolic and important political status in the republic and across the region. Some Cherkess/Adyg web-sites are also popular and often voice radical criticism of official positions, other ethnic movements and social leaders. While the extremist content per se is limited, there is a clear potential for it to increase. Online publications emerge, therefore, as one of the key tools for political mobilisation given the relatively high rate of internet connection availability in the region (3.3 million users)."

Memorial, 29 May 2009:

"The North Caucasus remains one of Russia's least prosperous regions in the field of human rights. Although the situation in various republics and regions of the North Caucasus differs remarkably, some general factors, spread over a large territory of the North Caucasus adversely influence the development of the situation. These are:

- the ongoing fighting. Right now armed underground forces, using terroristic methods, oppose the Russian state on the North Caucasus. The power structures, in turn, implement a politics of state terror;
- the impunity for mass crimes, committed by state representatives during a “counterterrorist operation”. This way, the fate of the absolute majority of thousands of people, that have forcibly “vanished” on the territory of Chechnya since 2000, has not been established. The database of the HRC “Memorial” contains more than three thousand cases on those kind of forced “disappearances”, and no one has so far been punished for these crimes;
- the corruption, whose level is high even against the background of the rest of Russia;
- the arbitrariness of the officials;
- a high unemployment rate;
- the conflict between the supporters of the “traditional” Islam for the North Caucasus and the relatively new, fundamental Salafism movement of Islam."

Memorial, 26 May 2009:

"The North Caucasus becomes more and more heterogeneous, and the situation in each of its republics remains unstable and dangerous for different groups of residents. Ingushetia, where armed fighting stopped for a while after a change of president, is again as unstable as it used to be.

The situation in Dagestan needs special attention, as it is quite possible that the influx of refugees from there will increase. The bodies of the interior of this republic turned into a source of constant threat to the population, about which they constantly petition non-governmental organizations. Local campaigners are under severe pressure. Relations between ethnicities reach high degree of tension, particularly where Chechen compact settlements exist.

Up to now, the Ossetian-Ingush conflict didn't find its final resolution, and the situation in the Prigorodny district of the North Ossetia remains tense despite efforts of the federal authorities and financial investments. The situation becomes even more grave also because there remain more than 24 thousand forced migrants from internal regions of Georgia in the territory of the North Ossetia, and they still didn't get any housing. After the events of August 2008 thousands of new refugees were added to them."

ECHO, 15 May 2009:

"The political and security situation in the Caucasus remains unstable and volatile. There are clear signs of destabilization and no indications that the situation could improve soon. Many observers fear a renewal of open conflict. In Ingushetia, the attacks against law enforcers happened almost everyday. According to the human rights organisation "Memorial", human rights violations are not abating, 42 people were kidnapped in 2008 out of which 13 continued to be unaccounted for. This represents a worrying trend up from the 35 kidnapped in 2007...

Although progress has definitely been seen in the region in terms of sustained returns and gradual recovery from the various conflicts, especially the reconstruction of physical structures, there has been no real and sustainable economic growth which could serve yet as the basis for longer term recovery. The security environment remains very fragile. Instability has spread to the Northern Caucasus in general. All Republics of the region, in particular those covered by DG ECHO's programmes (Ingushetia and Dagestan), are now confronted with militant activity and a risk of destabilisation which might have consequences both in terms of humanitarian needs for local populations and problems of access due to insecurity for international staff. Solutions are not being found to the politically deadlocked displacement situations stemming from territorial disputes, so leaving displaced groups in a limbo lasting in some cases for over ten years. This situation also holds the seeds of renewed conflict."

CSIS, 16 April 2009:

"Chechnya is the second most violent republic in the North Caucasus. Ingushetia has clearly experienced the worst rates of violence over the last eight months, but the levels of violence in neighboring Chechnya and Dagestan also remain consistently high."

Grouping of Russian NGOs, 30 November 2006:

"From the onset, the armed conflict in the North Caucasus was not limited to the Chechen Republic - in 1999, hostilities started in Dagestan. Since around 2002, there has been a strong tendency of the conflict "spreading" to RF regions neighboring with Chechnya. As of today, some forms of extremist activities and the "counterterrorist operation" have spread to most republics in the North Caucasus - such as Dagestan, Ingushetia, North Ossetia, Kabardino- Balkaria, Karachayevo-Cherkessia - and Stavropol Krai. Accordingly, the entire North Caucasus is affected by the "counterterrorist" practices, involving abductions, arbitrary detentions, torture, cruel and degrading treatment. This, in turn, further fuels the escalation of conflict [...]"

Comparison of security situations in North Caucasus republics

Commission on Security and Cooperation in Europe, 19 June 2008:

"The regions of Northern Caucasus are not one unity as well. The rebels and the terrorists, which are different groups, different people, are using different techniques. In Northern Ossetia they try to target gambling clubs, or they've been very effective targeting after 11 troop carriers and even a helicopter. In Karachayevo-Cherkesiya they mostly are targeting official religious leaders and attacking them and killing them. And Kabardino-Balkariya religion, which was mentioned above, religious leaders have announced jihad, which is quite a serious difference from the things which are going on in Dagestan, where mainly the police officers are targeted. So it's really an issue to keep in mind that the regions are different from each other, and the things which are going on there have a lot in common, but a lot is different."

Russia Profile, 22 July 2008:

"It is possible to mention some common challenges, as well as some serious differences. The universal challenge everywhere (in Chechnya, in Ingushetia and in Dagestan) is radical Islam (which is not one and whole – it is built on a network principle, not on a vertical one). Separatist ideas were never in popular demand in Ingushetia or Dagestan, and in Chechnya the "Ichkerian idea" ended up rejected by yesterday's separatists themselves. All three examples (Chechnya, Dagestan and Ingushetia) are united by a common approach to governing the Northern Caucasus. This approach can be defined as "remote." What matters most is the outside loyalty of the elites and guarantees that nobody is going to secede. The cost of the matter is the increasing regional particularism, along with the absence of Russian law and state in the region."

However, this is where the differences begin. The republican government in Chechnya is much more organized and consolidated than the ones in Ingushetia or Dagestan. Kadyrov Jr. has his own resource of popularity and support (even despite the periodical attacks from people who are disloyal to the current regime in Grozny). There is no opposition to Kadyrov – except for the forces that exist in the mountains. Many "Ichkerians" are settled quite comfortably in different administration jobs and in police positions (or anywhere in the "law-enforcement bloc" in general, which is not limited to just the police in the Chechen republic). Grozny periodically receives messages of ideological support even from abroad. The "vertical" created by Ramzan does not allow the existence of any kind of systemic opposition. Therefore, the choice is simply this: either to the mountains (and, with it, the ideology of a pan-Caucasian Islamic dissent) or to a budget and personal dependence on the republic's leading man.

The situation in Ingushetia is different. The authorities do not have a popularity resource that can be compared to what Kadyrov has in Chechnya. The regime there is not seen by the people as their "own." "All the recent events, starting with the protest meetings at the end of last year and

beginning of this year, point to the fact that the local population is strongly anticipating some changes in personnel within the republic's government. This is so because it is quite obvious that the current authorities do not satisfy the people," as Ivan Sukhov, columnist for Vremya Novostey newspaper, justly claims. But the opposition is different in Ingushetia too. It is not limited to only radical Islamists. There is also a "loyalist" opposition here – that is, the part of the protest movement that appeals to the Russian authorities and Russian legislation. This opposition group does not support separatist approaches and values of "pure Islam" but prefers peaceful fighting methods to diversionary acts and terrorism. It is worth noting that such a type of opposition is not present in Chechnya at all, while in Dagestan it is not powerful enough to be reckoned with. The secular democratic opposition (the Communist Party, Yabloko and the Union of Right Forces (SPS)) have lost its past influence and has been demoralized (take, for example, last year's tragic death of Farid Babayev, the leader of the local Yabloko).

In Dagestan any "vertical" is rather problematic. A fragmented society (divided on the principles of ethnicity and different perceptions of Islam) needs a mediator, not a dictator. And although the old 1990s model of a "collective president" (a State Council, made up of representatives of the main fourteen ethnic communities of the republic) was replaced by the model of a presidential republic, this does not change the heart of the matter. Mukhu Aliyev has a certain resource of popularity and significant political influence, but the conglomerate character of the Dagestan society, in the conditions when there's no clear federal strategy for the republic's development, defines its own, special rules. In today's Dagestan, there are three main conflict groups. The first one is the confrontation between "traditional" Islam (Sufi and Tariqat) and Salafism (or Wahhabism, as it is called by the mass media and the republic's authorities). The second line of schism is ethnic, although today this problem is less manifest than in the early 1990s. And the third group of conflict consists of the Dagestani who live outside of the republic but have certain financial resources and political ambitions, along with the local elite. Objectively speaking, "Dagestan's domestic emigrants focus their efforts on "opening" the republic. Meanwhile, their ambitions conflict, in some ways subjectively, and in some – objectively, with all levels of the power elite in Dagestan."

Profile of illegal armed groups (2008)

- Young people throughout the North Caucasus are joining the rebels
- Some join for religious reasons, but other reasons include corruption, impunity, human rights abuses suffered by family members and lack of jobs

FEWER, 26 June 2009:

"The majority of the members of illegal armed groups are driven by an extremist jihadist trend and call for a religious war against 'infidels' and those collaborating with 'infidels' currently personified in the representatives of the federal and local authorities, in particular, lawenforcement structures. They often use criminal practices for raising funds for their activities such as hostage-taking, racketeering, robbery and so on. At present, the Salafist cells –'Jamaats' – are highly decentralized

and appear to have no single co-ordination centre. Their presence is most felt in Daghestan, Ingushetia, Kabardino-Balkaria and Chechnya."

Research Centre for East European Studies, 4 December 2008:

"Despite significant losses in the ranks of the Chechen separatist movement in recent years (the last major setback was the killing of Shamil Basayev in June 2006, who was the most respected, but also most notorious, leader of the Chechen military wing), Chechen rebels are still carrying out attacks on Russian and pro-Russian Chechen forces on a regular, almost daily basis. One of the most spectacular attacks occurred on October 19, when a troop column was ambushed in

Ingush territory, near the border with Chechnya. Unconfirmed reports claimed that in the subsequent clashes, some 50 Russian soldiers were killed, whereas the Russian military only acknowledged three deaths. A few days before, fighters carried out a series of audacious acts, including the occupation of two foothill settlements – Muzhichi and Yandare –sizeable villages, with populations of more than 1,000 and 10,000, respectively.

According to Internet sources maintained by groups close to Chechen or North Caucasus rebels, these attacks were coordinated by the pseudonymous Emir Magas (probably the Ingush Akhmed Yevloev). Magas is said to have replaced Shamil Basayev as the top military emir of the Caucasus insurgency. It is believed that Magas acts in close coordination with Doku Umarov, the political leader of the Chechen rebels and the heir to Aslan Maskhadov. Although the structure of the North Caucasus rebel network is somewhat unclear, it seems that Doku Umarov represents the nodal point for an insurgency that is today mostly active on the territories of Chechnya, Ingushetia, Dagestan, Kabardino- Balkaria, and sporadically also Karachaevo-Cherkessia and North Ossetia, where at the beginning of November 2008, a bomb exploded in the center of Vladikavkaz. Umarov's coordination capacity among all groups in the volatile North Caucasus region is growing largely thanks to his control over external financial support channels. The possibility remains of greater instability in the North Caucasus, starting from Chechnya and developing in Ingushetia."

RFE/RL, 12 October 2008:

"[...] Yet it remains debatable how many of the men who continue to join the resistance ranks do so purely out of religious conviction. This may hold true for law-abiding young Muslims in the Kabardino-Balkaria Republic (KBR) and Daghestan who have for years been subjected to persistent harassment and victimization by police. (In December 2007, kavkazcenter.com quoted unnamed KBR officials as estimating the number of young men who had joined the resistance over the past two years at over 500. The population of the KBR is a little over 901,000.)

The abortive Nalchik attacks nonetheless marked a turning point in terms of military strategy. But other political and economic factors may also be in play across the region, including the conscious rejection of a corrupt political system and the lack of employment opportunities. In a prescient analysis, presidential envoy to the Southern Federal District Dmitry Kozak warned then-Russian President Vladimir Putin in the early summer of 2005 that high-level corruption, clan ties, cronyism, incompetence, economic stagnation, unemployment, and poverty in the North Caucasus could lead to a sharp rise in radicalism and extremism across the entire North Caucasus and parts of Stavropol Krai.

Some of the young Ingush who participated in the June 2004 attacks said at the time that they joined the resistance after their male relatives disappeared without a trace after being arbitrarily detained by local security services. In Chechnya, dozens if not hundreds of men, and some women, still join the resistance forces every year. Threats by Chechen Republic head Ramzan Kadyrov to hold responsible the parents of young men who do so have failed to stem the outflow. "The New York Times" reported on September 29 that the Chechen authorities have launched savage reprisals, such as torching the homes of fighters' families. The paper also quoted Grozny Mayor Muslim Khuchiyev, a close associate of Kadyrov, as warning that the authorities will not permit families to bury slain insurgents."

Orlova, 28 February 2007:

"The abuses against civilians committed by Russian federal troops and pro-Moscow Chechen military units constitute one of the factors that impacts the terrorist situation, as persons join the rebels due to the inability to find justice through the Russian courts. Thus, one of the things that is needed to truly normalize the situation in Chechnya - apart from undertaking greater democratization efforts, economic aid and reconstruction efforts as well as combating the

corruption of officials - is a serious endeavor to consistently prosecute atrocities so that the rebuilding of trust can begin."

Security situation in Ingushetia (2009)

- War came to Ingushetia in 2004 with a rebel attack and now it is "most explosive" republic in the region
- Counterterrorist operation followed rebel attack in 2004, and there has been an increase in human rights abuses ever since
- Attacks rose sharply in 2007 and continued to increase into 2009, culminating in a suicide bombing at police headquarters
- Perpetrators are local militants and separatist fighters from Chechnya as well as law enforcement officials

NYT, 18 August 2009:

"At least 20 people were killed and dozens were wounded when a suicide bomber rammed a truck filled with explosives into a police headquarters in Russia's tumultuous North Caucasus region..."

It was the bloodiest single attack to hit Ingushetia in some time, though violence against the police and government officials in this and other North Caucasus republics occurs almost daily.

In response to the bombing, President Dmitri A. Medvedev fired Ingushetia's interior minister and ordered the federal interior minister, Rashid G. Nurgaliyev, to increase the strength of police forces in Ingushetia after the attack.

The statement appeared to criticize Mr. Yevkurov's strategy on the militant threat. A former intelligence officer and a practicing Muslim, Mr. Yevkurov has reached out to opposition leaders as well as militant commanders in an attempt to ease the bubbling tensions in Ingushetia.

But the violence has continued, fueled in part by the local militants as well as by the arrival of separatist fighters fleeing Mr. Kadyrov's brutal counterinsurgency in Chechnya, where a decade and a half of internecine warfare has ground down the rebel movement to a paltry, though potent, few."

Мемориал, 2 июля 2009г.:

"Несмотря на все усилия президента Ингушетии, общая социально-экономическая и социально-политическая обстановка остается пока крайне неблагоприятной..."

Несмотря на стремление Юнус-Бека Евкурова к обновлению чиновничьего аппарата, дискредитировавшего себя в предыдущие годы, этот процесс происходит медленно и с пробуксовками. Отчаянные усилия президента тонут в массовом саботаже чиновников, - прежде всего, правоохранителей. Коррупционеров осуждают, но они получают неоправданно малые сроки или вовсе избегают лишения свободы. Упомянутые выше чиновники Минстроя Манкиев и Саутиев, присвоившие 81 млн. руб., отделались штрафами, а Оздоев получил минимальный срок, хотя совершал преступления, уже находясь под следствием (сайт Прокуратуры РИ, 8.5.2009). В народе возникают подозрения, что подсудимые «находят общий язык» с правоохранительными органами на различных этапах следствия и суда...

По-прежнему, происходят теракты, направленные на «воспитание» всего общества с помощью страха – обстрелы и поджоги магазинов, ресторанов, саун, игровых клубов, угрозы и убийства их владельцев. Сами боевики называют это «просветительской работой» по насаждению «законной исламской власти».

Террористическая деятельность боевиков и меры по противодействию ей со стороны правоохранительных органов накладываются на разгул общеуголовной преступности. Часто преступники маскируют деяния, совершенные с корыстной целью или из мести, под нападения боевиков или спецоперации «силовиков» (ночные обстрелы и расстрелы, похищения людьми в камуфляже и т.п.). Здесь и ниже мы приводим множество примеров преступлений против личности и собственности, часть из которых, несомненно, приходится на долю таких «замаскированных» уголовных преступлений...

Трудно найти объяснение этому скачку насилия. Многие в Ингушетии считают, что преступления, замаскированные под действия боевиков или «силовиков», суть криминальное сведение личных счетов: учитывая обстановку в республике, их легко списать на гражданское противостояние и увести расследование в сторону. Тем опаснее становится криминогенная ситуация в Ингушетии. Один из лидеров непримиримой оппозиции Магомед Хазбиев считает, что новый президент республики за полгода так и не сумел взять ситуацию под контроль: в Ингушетии по-прежнему действуют «эскадроны смерти», в ответ идет эскалация насилия со стороны боевиков, чьи их ряды пополняются добровольцами, и террор охватывает все более широкие слои ингушского общества (Радио Эхо Москвы, 10.5.2009)...

В республике не прекращаются похищения людей. Не всегда возможно определить, кому выгодно похищение или смерть того или иного человека."

AI, 1 July 2009:

"The security situation in Ingushetia, which deteriorated during 2007, worsened further in 2008, in particular following the August 2008 killing in police custody of Magomed Yevloev, owner of the independent website Ingushetiya.ru and an outspoken critic of then President Ziazikov. In late October 2008, President Murat Zviazikov was replaced by Yunus-Bek Yevkurov.

During the past year, armed groups have carried out a number of attacks on police, prosecutors and other state officials, as well as civilians. For example, gunmen were reported to have shot and injured the deputy Mufti for Ingushetia, Kombulat Ziazikov (a relative of then President Ziazikov) on 24 July 2008, and to have shot and injured the Imam for Altievskii municipal district on 4 August 2008. On June 10 2009, the deputy chairperson of Ingushetia's Supreme Court, Aza Gazgireyeva, was shot dead in Nazran city centre while she was driving to work.

Serious human rights violations have been committed by both republic-level and federal law enforcement agencies, violations which have never been investigated effectively. Reports of arbitrary detentions, excessive use of force by law enforcement officials, including the Federal Security Service (FSB), and disputed killings of individuals in police custody, as well as enforced disappearances, have been regularly received by Amnesty International. Hopes that the new President would end impunity in the region, and bring those accountable for past violations to justice, have not been met.

In addition, there are numerous reports of torture or other ill-treatment in detention centres, as well as inhuman conditions of detention. For example, some of the 12 detainees arrested after an attack in Ingushetia in June 2004 in which about 100 people died have reportedly complained of being tortured and of being kept in inhuman conditions. In March 2009, relatives demonstrated outside the building of the Presidential Administration in Magas, demanding that the Supreme Court of Ingushetia review their cases...

A number of killings that took place in recent years violated international standards on the legitimate use of force. Some of those killed by state forces were allegedly the victims of extrajudicial executions, unlawful and deliberate killings carried out by order of a government, or with its complicity or acquiescence...Amnesty International continues to receive reports of arbitrary detentions, enforced disappearances and abductions in Ingushetia."

Мемориал, 27 апреля 2009г.:

"В Ингушетии ситуация с похищениями осталась примерно на прошлогоднем уровне. В 2009 году в республике были похищены три человека; из них двое впоследствии убиты, один исчез. Для сравнения, за январь-апрель 2008 года были похищены два местных жителя (один впоследствии освобожден, другой исчез), всего за год были похищены 22 человека. Вместе с тем, в республике резко возросло число убийств: за четыре месяца текущего года ПЦ "Мемориал" зафиксировал 59 случаев гибели людей."

Memorial, 29 May 2009:

"Over the last two years the situation in the republic [of Ingushetia] has remained highly unstable. The activity of the armed underground has increased, and respectively also the number of wounded and killed representatives of power structures and officials rose. The power representatives have in abrasive manner violated human rights, and corruption has attacked the state apparatus. As a result a non-violent movement of civilian protest emerged in the republic, all of which manifestations the republican power has tried to suppress. Acting like that the power structures and civilian authorities only "played into the hands" of the underground.

In late October 2008 president Medvedev decided to take a step, that Putin was stubbornly unwilling to do – he changed the republic's leadership. The Moscow-suggested candidature of the 45-year old Yunus-Bek Evkurov, a professional military paratrooper, as Ingushetia's new president, was fulminantly confirmed by the local parliament....

Bortnikov, director of the FSB, at last in public confirmed the obvious fact, that in 2008 in Ingushetia the "number of different terrorist and extremist acts has increased for several times. There were more than 400 incidents"....[In Ingushetia] the armed underground is in turn not only choosing military and police as targets of their attacks, but also civilians. For example in 2009 two Muslim clerics were killed and one beaten up. Terror like this is resented by the absolute majority of the people. The murder of the popular religious leader Musa Esmurziev has e.g. caused a great resonance in the country, and many people of Ingushetia, among them also the president of the republic, came to the funeral of the diseased.

Statistics show a still growing number of violent incidents in Ingushetia.

For four months of 2009 the HRC "Memorial" registered five cases of abduction in the republic. Subsequently two of the abducted were killed, two disappeared, and one was "found" in the IVS. For comparison, from January to April 2008 two local residents were abducted (one was subsequently released, the other one disappeared), 22 people were abducted during the whole year.

For four months of 2009 the HRC "Memorial" registered 59 cases of death in the republic.

Among those killed were:

-21 civilians (killed by unknown offenders – 6 people; killed by power representatives or presumably by power representatives – 5 people; killed, eminently, by rebels – 2 people; killed in an explosion in the Department of bailiff – 8 people),

-12 officials of local power structures

-6 soldiers and members of the armed forces doing military service

-20 rebels

For comparison, from January to April 2008 the HRC "Memorial" registered the death of 9 people on the territory of Ingushetia: 6 civilians, and 3 members of power structures (9 according to official data)."

HRW, 2 July 2008:

"That "black June [2004]" was the turning point - war came into Ingushetia. On the stifling night of 21-22 June, Shamil Basaev appeared in Nazran with a force several hundred strong. For a few hours they held the republic. They killed dozens of policemen and left the local law-enforcement agencies without leadership....The next day the funerals of the murdered policemen began and Ingushetia was almost literally flooded with hatred...Law-enforcement officers broke into houses and seized young men. Many were taken to neighbouring North Ossetia. Some were put in pre-trial detention centres and tortured there. Others were even held in pits. They were forced to confess to taking part in the "attack on Nazran" and having connections with the militants...Support for the militants is constantly increasing. And so is hatred of the special services. This was illustrated last year, when there was a wave of murders in Ingushetia (24 Russians were killed between July and November). Many people in the republic refused to believe that the militants were responsible...In their unsuccessful hunt for militants, the special services shoot young men in broad daylight"

HRW, 25 June 2008:

"The Chechnya armed conflict has spread human rights abuses and instability across the North Caucasus, and particularly in Ingushetia, Human Rights Watch said in a report released today. In the last few years in Ingushetia, Russia has been fighting several militant groups with a loose agenda to unseat the Ingush government, evict federal security and military forces based in the region, and promote Islamic rule in the North Caucasus. Beginning in summer 2007, insurgent attacks on public officials, law enforcement and security personnel, and civilians rose sharply.

Against this background of increasing insurgent activity, law enforcement and security forces are carrying out abduction-style detentions of those suspected of insurgency; those abducted are regularly tortured, and sometimes "disappear." Abduction-style detentions and killings in Ingushetia often happen during "special operations," which resemble the pattern of abusive sweep operations and targeted raids seen in earlier years in Chechnya. Groups of armed personnel arrive in a given area, often wearing masks. They do not provide the residents with any explanation for the operation, force entry into homes, beat some of the residents, and damage their property.

Particularly disturbing are the frequent extrajudicial executions. The Human Rights Watch report documents eight such cases. The youngest victim, six-year-old Rakhim Amriev, was killed in a raid on his parents' home, where security forces believed an alleged insurgent was hiding. An investigation into his death is ongoing. That investigation is exceptional, however, and can be explained only by Amriev's young age, which precluded the authorities from alleging his involvement in insurgency. In the majority of extrajudicial executions, insurgency-related charges are filed against the victims posthumously, and their killings are never investigated."

Grouping of Russian NGOs, 30 November 2006:

"Since 2002, abductions and disappearances have been reported in Ingushetia - initially affecting mostly refugees from the neighboring Chechnya. Bodies were later discovered in the Chechen territory. In most cases, circumstances suggested involvement of uniformed personnel. "Security"

and "sweep" operations began in refugee camps. Federal forces and units started to be deployed in Ingushetia. In 2003, escalation of violence in Ingushetia continued. Disappearances and deaths were reported not only among those "kidnapped by unidentified perpetrators," but also among officially detained or arrested individuals. "Sweep operations" targeted Ingush villages. Rebel fighters became more active as well. In 2004, an increasing number of "disappearances" affected permanent residents of Ingushetia. In many cases, circumstances suggested involvement of federal forces.

And finally, the "counterterrorist operation" in its Chechen format was fully established in Ingushetia following the rebel attack on the night of 21 to 22 June 2004. Whereas before the incident, there had been few cases documented by human rights groups where Ingush police was suspected to perpetrate grave violations of human rights, since then, such complaints have been documented on a massive scale. After the Beslan school hostage-taking crisis, military and law enforcement officials, apparently, sought to demonstrate effective war against terrorism in the North Caucasus. The patterns of fabricated criminal prosecutions and the "conveyor of violence" operate in Ingushetia along the same lines as in Chechnya, but with some specifics."

Security situation in Dagestan (2009)

- Conflict intensified in Dagestan in 2008
- Militant Islamists attacking government agents and journalists
- Local security forces conduct special operations against militants
- Police efforts have been ineffective and at times counter-productive
- Reasons for violence include search operations by authorities, persecution of Islamic youth, movement of rebels across border with Chechnya, corruption and criminality
- There are cases of enforced disappearances of young men, in some of which state agents were involved

Jamestown Foundation, 20 August 2009:

"...the insurgency strikes in Dagestan are becoming increasingly more expansive, spanning across most of the republic...Frequent assaults against law enforcement personnel are making life unbearable for the police, who face the deadly risks of gunfire or explosions on a daily basis...Clearly, Dagestan is suffering from the same affliction that has already affected Chechnya and Ingushetia - as insurgency strikes spread, policemen are beginning to leave the service ranks in greater numbers, notwithstanding their relatively high and promptly paid salaries."

BBC, 14 August 2009:

"Dagestan has been plagued by violence in recent years, much of it linked to the conflict between security forces and separatist rebels in Chechnya, a mainly Muslim Russian republic."

Мемориал, 2 июля 2009г.:

"В начале 2009 г. обстановка в Дагестане заметно осложнилась; выросло число террористических актов и боестолкновений с вооруженным подпольем. По официальной статистике, озвученной прокурором республики Игорем Ткачевым, за весь 2008 г. возбуждено 44 уголовных дела о преступлениях террористической направленности, а за два первых месяца 2009 г. - 17. За весь 2008 год на территории республики зарегистрировано 100 посягательств на жизнь сотрудников правоохранительных органов и военнослужащих, то за два месяца 2009 года - 19. Кроме того, за эти месяцы, по словам прокурора, задержаны 90 членов и 102 пособника незаконных вооруженных формирований (Кавказский узел, 2.4.2009).

Если суммировать сообщения российских информагентств, то за весну 2009 г. в Дагестане боевиками было убиты 24 представителя силовых структур и ранены 18 (за весну прошлого года - 7 убитых и 12 раненых, а прошедшей зимой убиты 7 и ранены 27 «силовиков» - см. соотв. «Бюллетени» «Мемориала»). Очевидна эскалация насилия в республике."

AI, 1 July 2009:

"Amnesty International has received reports of excessive use of force by law enforcement agencies, deaths in custody, use of torture and ill-treatment in custody, extrajudicial executions, arbitrary detentions, abductions, enforced disappearances and threats to human rights defenders in Dagestan.

In the course of 2008, the conflict in Dagestan intensified. Approximately 40 law enforcement officers were reported killed by members of armed opposition groups that year, with twice that number injured. Dozens of members of armed groups were killed in "special operations" by law enforcement agencies. Clashes of this kind continued in 2009. For example, as a result of a clash between government security forces and armed members during 19-21 March 2009, 20 armed men were reported killed in Karabudakhkentsky region, 30kms south of Makhachkala. Five policemen were also killed. A number of armed men reportedly later fled to the mountains. On 5 June 2009, Adilgeri Magomedtagirov, Minister of the Interior of the Republic of Dagestan, was shot dead in Makhachkala.

There have been regular reports of human rights violations resulting from special operations conducted by the security forces and the activities of local police forces. Nevertheless, since 2007 the number of disappearances has declined. According to a report by the NGO Memorial, the prosecutor's office in Dagestan opened 25 criminal cases into disappearances and abductions in 2007; in 2008, according to the same report, the number of reported disappearances and abductions was 12. Most of the victims were young men aged between 20 and 30. In many instances Dagestani police officers were allegedly involved in these disappearances."

Memorial, 29 May 2009:

"The socio-political situation in the republic of Dagestan (RD) has, alongside the pervasive corruption, the unemployment, the flagrant violation of the electoral rights of the citizens or the police's arbitrariness, that are also characteristic for other regions of the North Caucasus, its own specifics. In contrast to the virtually mono-ethnic Chechnya and Ingushetia, Dagestan's population is formed by many ethnic groups. This fact defines the multiplicity of the forces, that are active in the republic and presumes the alignment of their interests when conflicts come up, which prohibits the establishment of a rigid authoritarian power in the republic. However, this "alignment of interests" is usually achieved by illegal means and usually leads to clan fights. Political killings happen regularly in the republic.

This is the background, against which the armed confrontation between illegal armed forces and state-authorities is being carried out for the second decade. The conflict in Dagestan has a strong religious connotation. The majority of the population practice the for this region "traditional" Sufi Islam. Besides, also Salafism (fundamental Islam), by the authorities usually called "Wahhabism", has firmly established itself. In a number of settlements in Dagestan this religious movement has a great influence on the public life of the regional community.

Islam fundamentalism is the ideological basis of the underground. Still, the fundamental movement is not, as long as it is not of political character, and as long as his followers do not try to dictate norms of behaviour to others, a threat to society – the people live and celebrate their rites, how they think it's right. But in the last decade the official authorities have effectively equated fundamentalism with terrorism and banditry. Criminal law and religious concepts have been mixed: the fight against terrorism has actually turned into a fight with the supporters of

“Wahhabism” as a religious movement. The authorities deliberately push them into a marginal state, that is only one step away from armed struggle.

When the authorities have to solve a crime, they first of all “look into” lists of “non-traditional” Muslims, that are by definition seen as suspicious. It is the representatives of this group, that first of all become victims of illegal actions of law enforcement and security services. According to data of the MVD RD, currently 1370 “Wahhabists” are registered at the department.

Members of the underground perpetrate terror attacks, assaults or detonations and kill members of law enforcement organs, government officials or clergy.

The authorities (especially the republic's police) is leading “counter-terrorism operations”, that are grossly violating Russian law and the norms of international law.

The most important reason for a withdrawal to the underground is revenge. It seems, that also the police is often driven by vengeance.

The strict measures, that were taken by the authorities (federal, as well as local ones) in the overall campaign of the “fight against terrorism”, like the fabrication of criminal cases, pressure on suspects and their relatives or torture, are not consistent with Russian and international law. A policy like that can not be recognized as effective; rather on the contrary, it leads to an intensification of the radical movements in the society.”

ICG, 3 June 2008:

“The North Caucasus (Russian) Republic of Dagestan has avoided large-scale violence despite its proximity to Chechnya but is now suffering from escalating street warfare. Several hundred local and federal security forces, administrators, politicians, ministers and journalists have been killed since 2003. The militant Islamist organisation Shariat Jamaat is responsible for much of the violence. Some of its leaders fought in Chechnya, but its extremist propaganda is also attracting unemployed Dagestani youth. This home-grown extremism, espousing jihadi theology and employing terrorist methods, is a new phenomenon. Police efforts to end the street war have been ineffective and in some instances counter-productive. While supporting loyal local elites, Moscow can help halt the increase in violence if it implements an efficient anti-corruption policy and reintegrates youth into the economic and political system.

Street warfare has increased since 2003 and has by far surpassed inter-ethnic conflict over land, resources and employment as the main source of violence. In response, the republic's security forces, often with federal reinforcements, are conducting special operations against Islamic militants which result in yet more bloodshed. The cycle of attacks and reprisals has created a spiral of violence, which has grown distinctively worse in the past year.

Dagestan is not a second Chechnya. Secession has no public support, but the porous border between the two republics has contributed to the problems. Their Islamist movements have historically had different agendas, but in the late 1990s links were created between Dagestani and Chechen Islamists, culminating in an August 1999 joint attack in Dagestan and declaration of a unified Chechen-Dagestani Islamic State.

Violence in Dagestan today is mainly caused by jihadi fighters, not inter-ethnic tensions. Although competition for land and political appointments often follows ethnic lines, the republic's ethnic complexity has neutralised tensions by encouraging allegiances between groups and has prevented the emergence of a dominant one. Conflict between Avars and Dargins, nevertheless, remains a possibility, especially after an Avar, Mukhu Aliyev, became president. Electoral reforms in 2006 sought to “de-ethnicise” politics by ending ethnic electoral districts and introducing a general voting list. They were put to the test in the March 2007 parliamentary elections and

appeared to be a relative success: the elections were less an inter-ethnic competition than a personal duel between Aliyev and Said Amirov, a Dargin, for political and economic power...

Large-scale war is unlikely to develop in Dagestan, but violence can be expected to continue to be caused by competition over lands and jobs, spillover from Chechnya and the rise of local jihadi groups. The origins of the present jihadi-inspired violence are in the "hunt for the Wahhabis" carried out by the Dagestani authorities after the 1999 Chechen incursion and the arbitrary persecution of pious youth by local law enforcement officers. The violence in Dagestan's streets is also fed by the movement of rebels and Islamist militants across the porous border with Chechnya, as well as by the republic's omnipresent corruption and criminality...

Reprisals by local and federal security forces have failed to curb the violence; instead they seem to be escalating it. The troubled March 2007 electoral campaign and the growing number of attacks on local officials and assassinations carried out by Islamic militants suggest Dagestan faces a violent future."

Security situation in Kabardino-Balkaria (2009)

- President Medvedev has acknowledged that Kabardino-Balkaria is a "problem republic" in the North Caucasus
- Nalchik raids in 2005 unsuccessful, but significant: showed how the resistance had moved beyond Chechnya with Islam guiding their operations, not separatist aspirations
- Reports of torture and ill-treatment not investigated

Jamestown Foundation, 10 July 2009:

"Today, the northwestern part of the North Caucasus region (comprised of the republics of Kabardino-Balkaria, Karachaevo-Cherkessia and Adygeya) is increasingly becoming one large battlefield. The Russian army in the region has its work cut out -the entire North Caucasus today is gripped by a wave of armed underground resistance. The insurgency operations in June forced Russia to change its message and admit the gravity of the situation in the region (www.gazeta.ru, June 22), and although the Russian leadership used to shy away from the term "rebels," today it is used routinely. Until now, the Russian government usually limited the number of its "problem republics" only to Dagestan, Chechnya and Ingushetia; however, Russian President Dmitry Medvedev has clearly signaled that this group consists of five regional republics, including Kabardino-Balkaria and Karachaevo-Cherkessia..."

AI, 1 July 2009:

"Amnesty International is concerned about numerous reports of the use of torture or other ill-treatment in the Republic of Kabardino-Balkaria and the failure of the authorities to investigate such allegations and to bring those responsible to justice."

RFE/RL, 12 October 2008:

"On October 13, 2005, some 150 to 200 highly motivated but poorly trained and prepared young local Muslims launched multiple attacks on police and security facilities in Nalchik, capital of the Kabardino-Balkaria Republic. The raid, seven months after the death of Chechen President and resistance commander Aslan Maskhadov, was not a success. The attackers killed 35 police and security personnel and 14 civilians, but lost 92 of their own. Many of the survivors were apprehended and are currently on trial. Yet despite that setback, and the deaths the following year of two key Chechen resistance figures, the Islamic resistance across the North Caucasus is today stronger, more organized, more ideologically cohesive, and more deadly than it was three years ago. The Nalchik raid was not the first resistance launched outside Chechnya."

But it was the Nalchik attack that served to underscore two key developments: first, the extent to which the armed resistance against Russian police and security forces had already spread from Chechnya to other North Caucasus republics, primarily Ingushetia, Dagestan, and Kabardino-Balkaria; and second, the degree to which Islam had supplanted the Chechens' pro-independence aspirations as the motivating force [...] The decimated Yarmuk jamaat in Kabardino-Balkaria retrenched following the Nalchik debacle, and in late 2007 was subsumed into a larger fighting unit that now operates both in Kabardino-Balkaria and neighboring Karachayevo-Cherkessia."

Memorial, 14 October 2008:

"Furthermore, there was a significant increase in the activity of militants in Kabardino-Balkaria as well [in summer 2008]."

Grouping of Russian NGOs, 30 November 2006:

"From the onset, the armed conflict in the North Caucasus was not limited to the Chechen Republic - in 1999, hostilities started in Dagestan. Since around 2002, there has been a strong tendency of the conflict "spreading" to RF regions neighboring with Chechnya. As of today, some forms of extremist activities and the "counterterrorist operation" have spread to most republics in the North Caucasus - such as Dagestan, Ingushetia, North Ossetia, Kabardino- Balkaria, Karachayevo-Cherkessia - and Stavropol Krai. Accordingly, the entire North Caucasus is affected by the "counterterrorist" practices, involving abductions, arbitrary detentions, torture, cruel and degrading treatment. This, in turn, further fuels the escalation of conflict [...]"

On 13 October 2005, there was an armed attack against a number of government establishments in Nalchik. By official data, 35 law enforcement officers and 92 attackers were killed in the fighting. Most of the attackers were members either of the terrorist underground or of Jamaats.

In the second half of October, authorities convened "meetings of residents and workers' collectives" in many communities of Kabardino-Balkaria. The meetings were presided over by 144 local officials of the FSB, prosecutorial offices, and the Ministry of Interior. The meetings adopted resolutions to expel from the republic all family members of people involved in the 13 October attacks, all followers of "unconventional Islam," all migrants from the Chechen Republic, etc. The republic's authorities had to invalidate the scandalous "resolutions" following high-profile protests by human rights defenders."

Government response to insecurity (2009)

- President Medvedev argued domestic not foreign factors engender the armed opposition
- He proposed several measures, including more effective coordination between federal agencies engaged in the fight against extremist violence and a policy for the dismissal of police officials deemed incompetent, compromised, or lacking commitment

CoE, 29 September 2009:

"9. The leaders of the Russian federal authorities would appear to be realising just how inefficient the current anti-terrorism policies in the region are. President Medvedev has singled out three reasons for this failure, namely corruption, the clan system and the inefficiency of the state authorities, particularly the security forces.

10. Similarly, shortly after the bombing in Nazran on 17 August 2009, President Medvedev dismissed the Ingushetian Minister of the Interior, Ruslan Meiriev, and described the efforts of Ingushetia's security forces as inadequate."

Мемориал, 2 июля 2009г.:

"Серьезные шаги были предприняты и для усиления контроля над правоохранительными органами. Открыта «горячая линия», куда местные жители могут обратиться с жалобами на нарушение своих прав. Кроме того, в конце 2008 года в республике создана Общественная комиссия по правам человека при президенте, в состав которой вошли депутаты парламента, представители силовых структур, неправительственных организаций и рядовые граждане республики. С конца апреля открыта работа Общественного совета при МВД Ингушетии, призванного координировать работу органов внутренних дел с общественностью.

Проводится обновление личного состава милиции (сайт МВД РИ, 11.4.2009).

По свидетельствам жителей республики, милиционеры, наконец, оказались «на улице» и реально, - по крайней мере, в светлое время суток, - несут патрульно-постовую службу. Правда, по наблюдениям местных жителей, правоохранителей по-прежнему сложно встретить на ночных улицах ингушских городов и сел. В прошлые годы в любое время суток в целях собственной безопасности милиционеры старались без нужды не покидать блок-посты и здания РОВД. Руководство республики укрепляло материально-техническую базу МВД, приобретало вооружение, технику и спецсредства, что должно было улучшить условия службы личного состава.

По словам министра внутренних дел Руслана Мейриева, «милиция, в целом, воспрянула духом, взяла инициативу в свои руки, будет идти до конца, преодолевая трудности в борьбе с преступностью. С такой милицией мы наведем порядок в нашем доме» (сайт МВД РИ, 17.3.2009).

Президент стал чаще встречаться с представителями местных правозащитных и общественных организаций, а также родственниками похищенных, убитых и осужденных жителей Ингушетии.

Ещё один положительный момент его деятельности - заметная активизация работы по примирению «кровников», которая по инициативе Евкурова проводится местными старейшинами. Эта акция уже позволила привести к миру более 20 семей (в прошлые годы удавалось помирить не более пяти-шести семей в год). Кровная месть стала острой социальной проблемой, умножающей накал гражданского противостояния в маленькой республике. Только по официальной статистике, в кровной мести на начало 2009 г. состояли 180 семей, и их число продолжало расти. Случаи объявления кровной мести отмечены после спецопераций, в ходе которых милиционеры убивают подозреваемых в терроризме...

Отметим, что в начавшейся 16 мая в Ингушетии крупномасштабной операции, как и прежде, принимают участие федеральные «силовики». Ингушский президент, в отличие от чеченского, не собирался требовать их устранения: «Без прикомандированных мы с задачей не справимся», - заявил он в одном из интервью (Газета.Ру, 12.3.2009). Штат МВД Ингушетии, в отличие от штата МВД Чечни, был укомплектован по нормам мирного российского региона. Президент Ингушетии добивался увеличения штата МВД на 200 чел., и считал бы это большим достижением.

Наконец, о сложности обстановки и притоке людей в подполье свидетельствует то, что ингушское руководство этой весной впервые объявило о готовности объявить амнистию боевикам, не запятнавшим себя кровью, - намерение, прямо противоположное последним заявлениям мерам чеченского президента Кадырова (см. ниже). Юнус-Бек Евкуров так описывал механизм этой амнистии: «Данные желающего сдаться человека проверяют

следственные органы. Если он действительно чист, я обращаюсь к родителям, чтобы те привезли его под мою гарантию. При личном общении я проверяю, хочет ли он на самом деле вернуться к нормальной жизни... Для рядовых членов НВФ не нужна даже официальная амнистия. Для человека, не причастного к совершению тяжких и особо тяжких преступлений, амнистией будет служить мое слово». Амнистия должна проходить негласно, чтобы не навлечь месть боевиков на амнистированных и их семьи. Евкуров не исключал определенных послаблений даже для тех, кто совершил тяжкие преступления. (РИА Новости, 17.4.2009)."

RFE/RL, 20 August 2009:

"Medvedev outlined a series of measures intended to raise the effectiveness of the ongoing struggle against terrorist attacks and to promote closer cooperation between the various federal agencies involved in that struggle.

At the same time, Medvedev implicitly questioned the argument advanced by Deputy Interior Minister Colonel General Arkady Yedelev that Islamic radicalism in the North Caucasus is an artificial phenomenon fuelled by foreign intelligence services and financed from abroad. Other Russian political figures who have argued that line in recent days include Ingushetian President Yunus-Bek Yevkurov; Federation Council First Deputy Chairman Aleksandr Torshin; and Liberal Democratic Party of Russia head Vladimir Zhirinovskiy.

Medvedev stressed that purely domestic factors -- unemployment, poverty, corrupt clans indifferent to peoples' needs that divert subsidies from the federal budget for their own private purposes -- play a far greater role in engendering armed opposition to the authorities. That diagnosis is not new: then presidential envoy to the Southern Federal District Dmitry Kozak addressed a long and detailed memorandum to Medvedev's predecessor Vladimir Putin in the spring of 2005 making precisely those points.

Medvedev tasked Security Council Secretary Nikolai Patrushev and presidential envoy to the Southern Federal District Vladimir Ustinov with drafting measures for improving the socio-economic situation in the North Caucasus. Those proposals will be discussed in depth at a special forum within the next month.

Medvedev argued on August 19 that it is time for a "fundamental restructuring and improvement" of the approach to neutralizing the "terrorist and extremist threat" in order to guarantee "genuine, not just cosmetic" stabilization of the North Caucasus. There should, Medvedev added, be no more "senseless mantras," a clear allusion to successive vows over the past three years by Chechen Republic head Ramzan Kadyrov that the handful of remaining resistance fighters on Chechen territory will be rounded up and killed within a few weeks/months.

The measures Medvedev advocated to achieve such "genuine stabilization" include more effective coordination between the various federal agencies engaged in the fight against extremist violence; a more stringent personnel policy that would entail the dismissal of police officials deemed incompetent, compromised, or lacking commitment; their temporary replacement by personnel brought in from elsewhere in the Russian Federation, but who are familiar with conditions in the North Caucasus; more attractive financial incentives and bonuses for police and security personnel deployed to high-risk zones; and better security precautions that would preclude a repetition of the August 17 suicide-bombing in Ingushetia."

Rule of law

Rule of law in Chechnya and Russia (2009)

- In Chechnya:
 - There has been progress in strengthening judicial system, but consolidation of rule of law has been slow
 - Legal recourse is still difficult for IDPs in the North Caucasus
 - High level of corruption in judicial system, local government and federal subsidy distribution
- In Russia:
 - Significant reforms have been implemented since 1993, but President Medvedev has identified deficiencies and questioned independence of judiciary
 - Other concerns include a lack of equal access to the courts, transparency of judge selection and non-implementation of decisions against state officials
 - While it is possible to identify trends, generalisations about the judiciary in Russia should be avoided

Restriction on jury trials

AI, 1 July 2009:

"On 11 January 2009, new legislation came into force in Russia that eliminated jury trials for a range of offences against the state, including treason, espionage, terrorism, hostage-taking operations, sabotage, illegal armed groups, coups, armed mutinies, acts of sabotage and mass riots. In these cases, a trial court will consist of three judges only. The Russian Public Chamber criticized the new legislation as "unconstitutional" and as leading "to a decline in civic rights and freedoms". According to the Public Chamber's commentary, the new legislation was motivated by the interests of security services in simplifying the mechanisms to achieve successful prosecutions of those suspected of crimes against the state where the state is interested in obtaining a guilty verdict."

Rule of law in Chechnya

ODI, 28 February 2009:

"Although the court system in Chechnya has been restructured and is apparently operating more effectively in civil cases, the lack of due process is evident whenever the state is involved. For instance, local organisations pointed to cases in 2006 where property in the Staropromyslovsky district of Grozny had been taken over by the local authorities. All the claimants withdrew their cases due to intimidation. In other cases there is no adjudication on the dispute. On average, private property cases take approximately two months, but for cases involving the authorities, organisations highlighted delays of eight months, without decisions being taken.

The Ombudsman's office in Grozny highlighted numerous examples of inadequacies in existing laws, both in terms of discriminatory or inadequate application (for example in relation to compensation for destroyed property) and in terms of Chechens' rights within the Russian Federation (for example Chechens unable to transport cargo from Dagestan).

Local NGOs indicated that, apart from concerns regarding reprisals in relation to criminal cases, people generally avoided legal proceedings, believing them to be futile, lengthy and expensive. They indicated that the poor and vulnerable were especially affected by lack of access to justice due to an inability to pay legal fees or the bribes that were frequently required to facilitate the legal process.

The lack of human rights guarantees and due process and a culture of impunity are all symptoms of a wider lack of democratic governance in Chechnya, as demonstrated by a governance system limited in accountability, representation and decentralisation; low levels of civic participation; high levels of corruption; and the suppression of the independent media. These issues are not only central to Chechnya's recovery but, critically, impede ordinary Chechens' ability to enjoy basic services, freedoms and livelihoods...

Documents required [to apply to courts in Chechnya]: Internal passport, petition (application) from barrister or lawyer from NGO; reference from place of residence, reference of family members, state duty payment receipt, copies of passports of witnesses. This list of the documents needed is approximate as each petition has its peculiarities in accordance with articles of different codes"

Swisspeace, 22 June 2007:

"The level of corruption, especially in the judicial system and local self-governance as well as in the entire system of distributing the targeted federal subsidies, remains very high. There is, however, a transition from corrupt practices in the use of armed violence-based appropriation, which was wide spread during the war, to a comparatively more peaceful way of accumulating wealth, such as extortion by officials. This of course leads to utter frustration and occasional aggression on the part of the population, especially among youths."

UN OCHA, 12 December 2006:

"Although progress has been made in strengthening the judicial system, the slow consolidation of the principle of rule of law raises serious protection concerns. Legal recourse remains difficult for large numbers of citizens, and particularly those made most vulnerable by displacement or localized violence."

Corruption in Chechnya

ODI, 28 February 2009:

"The corruption which has infiltrated the judicial system affects people's ability to defend their rights at every level, including property, employment and social rights. Conflict created opportunities for profiteering, extortion and illegitimate gain during the crisis, and while corruption is by all accounts widespread across the Russian Federation, it was consistently presented in discussions as a barrier to recovery in Chechnya. The corrupt practices of public officials compound the lack of trust in government authorities at both central and local levels.

Numerous cases of falsification of documents by public officials, for instance in relation to the ownership of former state apartments in Grozny, were cited during interviews, and bribery is widespread. Interviewees indicated that employment and educational opportunities were usually only obtainable through nepotism or corruption. Schoolchildren in Duba Yurt spoke openly of lack of money to pay bribes as a barrier to reaching university, while their teacher told us that only one of her students had got to university on merit alone.

Corruption has severe consequences for people in extreme poverty. Corruption acts as a barrier to people's entitlement to basic services, whether medical care, public services or state subsidies. While gas and other utilities are subsidised for people with monthly salaries below 3,000 roubles, interviewees in Urus Marten told the study team that people were too poor to pay the bribes required to obtain the documents needed to receive the subsidy. The complicated bureaucracy associated with receipt of social welfare assistance is rendered more challenging still as a result of inconsistency, corruption, inefficiency and lack of transparency. Difficulties reported in accessing services included lack of due process in the system, lack of knowledge regarding entitlements, inability to manage the process due to physical, intellectual or psychological impairment and inability to pay bribes in order to obtain the documents required. "

Rule of law in Russia

UN, 1 January 2009:

"Under the UNHCR-Council of Europe (CoE) Joint Assistance Program, UNHCR organized a seminar for nearly 20 judges of Supreme Courts of Chechnya, Ingushetia, Daghestan, and North Ossetia-Alania on key articles of the European Convention for Human Rights and procedures of the European Court of Human Rights – the 3rd such event since 2006. Three national experts from the Federal Supreme Court, Moscow State Legal Institute and the Diplomatic Academy of the Ministry of Foreign Affairs of Russia, and one CoE expert delivered lectures.

The topics of the seminar were selected based on the feedback from the previous seminar and the growing interest among the judiciary of the North Caucasus in upgrading their knowledge about the European Court procedures (also in view of the fact that as of August 2008, the Court had delivered 40 judgments on cases vs. Russian Federation and related to alleged human rights violations in the Chechen Republic – the largest number of cases in the European Court of Human Rights)."

UN, 29 May 2008:

"The Special Rapporteur highlights the significant changes that have been taking place in the country over the past years and their enormous impact on all spheres of life. He notes that Government authorities at the highest level, including President Medvedev, have expressed concerns over deficiencies in the functioning of judicial institutions, including the question of their independence. The removal of these deficiencies is crucial for the future development of the country. Recent reform initiatives, such as the creation of a special working group on the judicial reform and the establishment of a council to fight corruption, chaired by the President, demonstrate the political will to tackle the problems facing the justice system.

The Special Rapporteur makes the following preliminary observations:

Institutional and legal framework: The Special Rapporteur acknowledges the important reforms implemented since 1993, particularly the adoption of new legislation governing judicial proceedings, and the significant improvement of working conditions of the judiciary. Important concerns remain about the lack of equal access to the courts and the fact that an important percentage of judicial decisions, including those against state officials, are not implemented. In addition, in spite of early reform initiatives, there is still no legal framework at the federal level for juvenile justice and for a system of administrative courts.

Judiciary: With the adoption of new procedural legislation judges have been assigned the guiding role in judicial proceedings. The Special Rapporteur notes that in some cases judges have not yet been able to assume this central function. Problems with the implementation of judicial decisions have contributed to the poor image of the judiciary in the eyes of the population. Furthermore, criticism has been expressed with regard to the transparency in the selection process of judges and the lack of objective criteria in the allocation of court cases by court presidents, as well as in the implementation of disciplinary measures. Political interference in these spheres has been brought to the attention of the Special Rapporteur, as also confirmed by recent media reports.

The Prosecution: The reform of the office of the prosecutor has apparently led to a more specialized investigative procedure through the establishment of an investigation committee. However, various opinions were expressed as to whether this has actually resulted in a more effective and balanced system between different sides in judicial proceedings.

The Bar: The 2002 Federal law governing the activities of defense lawyers constituted a crucial step towards establishing the Russian bar as an independent and self-regulatory body. However, lawyers have expressed concerns about current proposals to amend this law which may threaten

their independence. These relate to procedures for withdrawing the professional status of lawyers and requirements for providing working files as part of potential inquiry which would compromise the privileged nature of lawyer-client relations. The Special Rapporteur expresses his concern with the tendency to identify defense lawyers with the interests, opinions and activities of their clients. Lawyers also drew attention to the practical obstacles they face in becoming judges; in fact, it appears that the majority of judges – before being appointed - have served as prosecutors, investigators or court staff.

Non-governmental organizations: NGOs play a crucial role in the protection of human rights, particularly through the justice system."

EU-Russia Centre, 30 April 2008:

"Before dealing with specifics, it is necessary to sound a note of caution about making generalised statements concerning the Rule of Law and the Independence of the Judiciary in Russia. Russia is a vast country. That reality inevitably means that the writ of the executive is felt more powerfully in some regions than others. This in turn means that some regions have a stronger reputation for judicial independence than others. For example, whilst the Moscow and St. Petersburg judges are highly qualified from a professional standpoint, they are also commonly regarded as the most susceptible to political influence, while in other Russian regions, the 'fusion' of executive and judicial authority is not so pronounced. Therefore it should not be assumed that any of the issues referred to below applies in any uniform across Russia, although they do nevertheless, represent recognised trends.

The Positives

As is widely appreciated, there has been substantial legal reform in Russian since the early 1990s. Much has been positive and encouraging from the point of view of a strong Rule of Law.

- The introduction of jury trials for serious offences (with consequential increases in the rate of acquittals, although the impact of this is reduced by the prosecution's right of appeal which is often successful).
- The expansion of judicial power over areas such as pre-trial detention, arrest warrants, searches and seizures and the corresponding reduction in the power of the Procuracy.
- The requirement that a suspect be brought before a judge within 48 hours of arrest.
- The provision of extra protection for judges.
- The establishment of a Judicial Training Academy.
- The efforts that have been made to inform judges of the provisions and relevance of international law.
- The Presidential Programme for Financing the Courts which allocated a budget of 45 billion roubles for the period 2002-2006 to improving court buildings, the computerisation of courts, increasing court staff and increasing the salaries of judges (although these still remain relatively low – the highest being in the region of \$3,000 per month) [...]

Negatives

There are, however, a number of areas of obvious concern in relation to the Rule of Law and Judicial Independence. In criminal cases there remains an unhealthy proximity between prosecutors and judges. There is a widespread view that the courts are often merely the judicial arm (and an extension) of the Prosecutor General's office. Judges mostly come from prosecutors' profession. It is almost impossible for an advocate to become a judge. There is a continued perception amongst judges that their principle function is to act as the defender of State interests [...] There can be little doubt that in cases where major economic or political interests are at stake the courts of all levels tend to be politically subservient. If anything this trend has grown in recent years. The most pronounced and extreme example is the internationally renowned cases involving Yukos and Mikhail Khodorkovsky where 'total State influence' over the judicial process is widely perceived to have occurred.

Political Interference in the judicial appointments procedure has, if anything, worsened under laws brought into force in the wake of the Beslan siege, allegedly for "counterterrorism" purposes[...]

Unlike in Western democracies, there is no presumption of innocence in Russia. The evident bias of the courts towards conviction is claimed by many human rights activists to be the most important reason - setting aside socio-economic causes – for the recent rise in the numbers of those imprisoned. Another is the readiness of judges to approve requests from the prosecutor's office and investigative bodies to use custody as a measure of restraint for suspects and defendants. Once detained by the police, the FSB or one of the other numerous Russian law enforcement agencies, a suspect can expect court approval of his arrest in almost 100% of cases. Furthermore, bail is almost never granted. The suspect is then kept in pre-trial detention isolation (or prison), sometimes for weeks without access to his lawyer. In order to visit his client at a pre-trial detention centre, a lawyer must first obtain permission from an investigator – permission that is rarely given [...]

Many factors contribute to a lack of independence in the way the decisions are taken by judges in modern Russian courts. The way that an individual is treated once he is caught up in the machine of Russian justice, is far from humane, as well-documented evidence shows. The Russian judicial system does not have a single element that seeks to rehabilitate or convert criminals, and appears to have no interest in returning them to the society as reformed people. The system is concentrated on severe punishment, with little or no public control over state repression."

Continued impunity for human rights abuses in North Caucasus (2009)

- Only a few servicemen have been found guilty and sentenced for murdering Chechen civilians
- Investigations are sometimes opened into human rights abuses, but largely with no results
- Those who seek justice are pressured and intimidated and others are therefore reluctant to report abuses
- In general there is continued impunity for crimes committed by state agents in North Caucasus
- Impossible to charge for crimes against humanity under Russian domestic criminal law
- Persons who commit crimes against humanity will at most be charged with murder or war crimes
- Negative public opinion of Chechens prevents public from demanding justice for alleged abuses

Conviction of some servicemen

NHC, 30 April 2008:

"In some cases, federal and Chechen servicemen have been prosecuted for crimes committed in relation to the counter-terrorist operation. The decisions in the cases against federal servicemen Budanov, Lapin and Ulman have been confirmed and there have been a few other cases of convictions of servicemen for grave crimes, such as murder. However, the general picture is one of continued impunity for grave crimes committed by local and federal servicemen. The Prosecutor's office in Chechnya has opened a number of cases into allegations of grave human rights abuses (such as enforced disappearances, of which there are at least 3000), but (except for the Lapin case) the investigations have not produced any results...There has been no effective response by the Chechen prosecutors to these complaints, underlining another basic problem: Prosecutors consistently refuse to open cases and/or investigate effectively complaints dealing

with abuse of power by local and federal law enforcement, military and security officers whose identity is unknown."

AI, 19 September 2007:

"In June 2007, a Russian court sentenced four men, members of a special unit of the Russian Military Intelligence (GRU), to imprisonment for nine to 14 years for murdering six Chechen civilians in January 2002. A military court in Rostov-on-Don is currently hearing the case against two officers of the Russian Ministry of Interior troops, accused of abduction and the murder of three Chechen civilians. Jury trials have acquitted the men on two previous occasions. Investigations are reported to have been opened into alleged torture at detention facilities in Grozny run by the Operational/Search Bureau No. 2 of the Main Department of the Ministry of Internal Affairs of the Russian Federation responsible for the Southern Federal Region (ORB-2), and against individual members of the Chechen security forces."

RFE/RL, 14 June 2007:

"A military court in southern Russia has sentenced four soldiers for killing six civilians in Chechnya [...] The case, which failed to secure convictions in two earlier civilian jury trials, is seen as a test of Moscow's willingness to acknowledge atrocities by federal troops. The court in Rostov-na-Donu handed down sentences ranging between nine and 14 years. The stiffest sentence went to Eduard Ulman, who was commanding the unit in January 2002, when the soldiers opened fire on a civilian vehicle and killed the survivors, including a pregnant woman."

UN CHR, 26 January 2006:

"76. With regard to prosecutions for violence against women in Chechnya, the information received by the Special Rapporteur suggests that such cases are rarely prosecuted and punished. Memorial reports that in two cases where the perpetrators were found guilty of rape, they were only sentenced to symbolic punishments and were not actually deprived of their liberty. The case against Colonel Yuri Budanov is an exception. On 25 July 2003, Colonel Budanov was found guilty and sentenced to 10 years in prison for the murder of Elza Kungaeva, a 19-year-old Chechen woman. It was however only following a public outcry that Colonel Budanov was prosecuted but, despite evidence that he had raped Ms. Kungaeva, he was only charged with murder."

BBC, 25 July 2003:

"A Russian officer has been convicted of murdering a Chechen woman and sentenced to 10 years in jail. Colonel Yuri Budanov admitted killing Kheda Kungayeva in March 2000, but claimed he was temporarily insane. Last December, a court in the southern Russian city of Rostov-on-Don accepted his defence and acquitted him. But that verdict was overruled in February by Russia's supreme court, which ordered a retrial. The judge in the new trial ruled on Friday that Budanov was of sound mind at the time of the killing and found him guilty of kidnapping, murder and abuse of power."

Dim hopes for justice

AI, 1 July 2009:

"There has been an almost total failure of political will to uphold the rule of law and address impunity for present and past abuses of human rights in the region. Those responsible for abuses walk free while victims and their families have no redress through the Russian judicial system...Moreover, there has been a continuing failure by the Russian authorities to implement effective and adequate measures to investigate these abuses. Investigations by the Russian authorities into alleged serious human rights violations by law enforcement and security officers have been far from prompt, independent and effective. In 2007, a new structure, the Investigative Committee, was established within the Office of the Prosecutor General, and was charged with responsibility for criminal investigations. However, a review is needed of the functioning of this

Committee to ensure their compliance with international standards of promptness, thoroughness, independence and impartiality. The failure to investigate allegations of human rights violations in accordance with such standards is itself a human rights violation."

HRW, 2 July 2009:

"The Russian government has overwhelmingly failed to investigate and hold accountable perpetrators of human rights violations during a decade of war and counterinsurgency in Chechnya. Indeed, in more than 100 judgments to date, the European Court of Human Rights (ECtHR) has found Russia responsible for serious violations in Chechnya. One Chechen government official told Human Rights Watch that this failure has helped to create in Chechnya an acceptance of impunity as the norm. This situation cannot be tolerated, and calls for prompt and effective measures."

Grouping of NGOs, 8 February 2008:

"Numerous civilians became victims of grave, widespread and systematic human rights violations in the course of hostilities. Hostage-taking, extrajudicial executions, indiscriminate bombardments, torture and enforced disappearances became common practice of all the parties to the conflict. However, the crimes committed by both by insurgents and by the agents of the Russian State remain largely uninvestigated and unpunished. The ineffectiveness of legal remedies theoretically available according to the Russian legislation to victims of the crimes committed by the Russian military and police has been confirmed in numerous judgments of the European Court of Human Rights relating to their individual applications.

According to Russian law, the only avenue for bringing those allegedly responsible for grave human rights violations to justice is criminal prosecution, opened and conducted by the relevant prosecutor's office, public or military. Civil proceedings may lead to an award of pecuniary compensation, but their outcome will often depend on the results of criminal investigation and they are incapable of establishing and punishing those responsible.

Further, the Federal Laws on Suppression of Terrorism of 1998 and of 2006 exempt the forces in charge of counter-terrorist operations (the 'official' label for the armed conflict in Chechnya and neighbouring regions) from liability for damage caused, which effectively prevented both civil and criminal proceedings and allowed those responsible for crimes against civilians to remain unpunished..."

Orlova, 28 February 2007:

"[...] direct application of the universally-recognized legal norms dealing with crimes against humanity or even the provisions of the Nuremberg Charter in Russian domestic criminal law poses tremendous difficulties. Thus, it is currently virtually impossible to charge anyone with crimes against humanity under Russian domestic criminal law due to the absence of a provision in the Criminal Code specifically dealing with such a crime. Hence, persons who commit crimes against humanity will at most be charged with murder or war crimes.

Even if the offence of crimes against humanity is eventually explicitly introduced into the Russian Criminal Code, a number of other problems are likely to arise that would potentially make it challenging to prosecute individuals who commit atrocities against Chechen civilians. Some of the difficulties would stem from how the civilian population is defined, some from the widespread or systematic requirement that is characteristic of crimes against humanity, while other difficulties would include the hardships in collecting and the credibility of evidence, as well as the social perception of the Chechens in the rest of the Russian Federation.

[...] presenting the Chechen situation as "normalizing," while at the same time dismissing the pro-independence elements in Chechens as mere "pawns of al-Qaida", combined with the negative

public perception for the Chechen population, virtually eliminates the possibility of conducting systematic prosecutions of offenders who commit crimes against Chechen civilians.

[...] On the whole, social factors constitute perhaps "the" most significant barrier to the prosecution of crimes against humanity. Negative public attitudes towards the people of Chechnya are one of the factors that prevent civil society from demanding that the Criminal Code be amended to incorporate the offence of crimes against humanity in order to enable prosecutions of those responsible for the atrocities in Chechnya. As long as both the general population and the political elites view the deaths and disappearances of Chechen civilians as somehow "justifiable," "excusable," or even "isolated conduct," the hope for trials of perpetrators of crimes against humanity remains slim.

Furthermore, evidence that points either to "widespread" or "systematic" abuses against Chechen civilians - the two hallmarks of the crimes against humanity offence - will likely be dismissed by both the Russian public and leadership, in part due to these negative public attitudes, and in part due to Moscow's efforts to present the situation in Chechnya as stable, and to "move forward" with the peace enforcement process. Such "moving forward" is currently done without acknowledging the nature and the scope of abuses that have taken place, especially if such acknowledgment would implicate the current Chechen leadership - a factor that does not fit into the Kremlin's current Chechen strategy. Absent the public support and the political will to prosecute crimes against humanity, the Russian courts will continue to deal with cases of abuses perpetrated in Chechnya under the murder rubric, as indicated by the Budanov and Ulman cases. On the whole it is these social barriers that serve as effective roadblocks to the systematic prosecution of crimes against humanity."

Implementation of European Court of Human Rights' judgments (2009)

- Government of Russia has paid compensation to successful applicants and investigated criminal cases anew
- It has also taken measures to prevent new similar violations and establish effective remedies
- However, investigations drag on without result and none of those identified as responsible have been brought to justice

HRW, 27 September 2009:

"In numerous judgments on cases from Chechnya, the European Court found that the Russian authorities failed to effectively investigate even very strong leads or evidence indicating official involvement in human rights violations. It appears that this shortcoming has continued in some cases even after the European Court judgments. In four cases known to Human Rights Watch, described in detail below, the Russian government has rejected or ignored the court's findings of violations, emphasizing its lack of intent to conduct full investigations and prosecute even perpetrators or commanding officers..."

In numerous judgments on cases from Chechnya, the European Court found that the Russian authorities failed to effectively investigate even very strong leads or evidence indicating official involvement in human rights violations. It appears that this shortcoming has continued in some cases even after the European Court judgments. In four cases known to Human Rights Watch, described in detail below, the Russian government has rejected or ignored the court's findings of violations, emphasizing its lack of intent to conduct full investigations and prosecute even perpetrators or commanding officers.

The European Court's rulings on Chechnya consistently have held that the authorities responsible for investigating human rights violations are insufficiently independent. Beginning in 2006, the

Committee of Ministers noted the independence of investigative authorities as an issue of concern for Russia's implementation of European Court rulings on Chechnya.

In September 2007, a Russian presidential decree formed an Investigative Committee within the Prosecutor General's office, which separated this agency's authority to launch and investigate criminal cases from oversight of investigations and prosecutorial functions.

The Investigative Committee has the power to initiate criminal cases, directs investigations, and has supervisory authority over European Court cases. It is subdivided into two branches: the Investigative Directorate [Sledstvennoe upravlenie] and the Military Investigative Directorate [Voennoe sledstvennoe upravlenie]; these branches are further subdivided by federal subjects and then by regions or cities.

After arriving at the Prosecutor General's office in Moscow, cases which have been decided by the European Court but require further investigation are forwarded to the relevant investigative directorates of regional prosecutors' offices for further investigation. In Chechnya, the Second Department for Particularly Important Crimes of the Investigative Committee of the Chechnya Prosecutor's Office (also known as the Second Department) is responsible for the investigations into cases which are the subject of judgments by the European Court.

As indicated in this report, although the Investigative Committee has been functioning for nearly two years and has direct supervision over investigations in European Court cases, including those from Chechnya, investigations into violations in cases from Chechnya found by the European Court have so far been no more fruitful or led to any more meaningful results than prior to the Investigative Committee's creation."

Memorial, 31 October 2007:

"What measures are being taken by Russian authorities to implement the ECtHR decisions? Applicants are paid monetary compensation in time and in full, criminal cases are investigated anew, but investigation drags on with no good reason. None of the officials who were clearly involved in perpetrating crimes have gone on trial. There is still no information on people whose abduction was considered by the ECtHR, not to mention that no amendments have so far been taken to change the normative acts outlining security services' actions in areas of internal conflicts (anti-terrorism legislation, charters of armed forces). Meanwhile, the need for such changes results directly from some ECtHR decisions."

AI, 19 September 2007:

"Amnesty International is not aware of any case where the Russian authorities have brought to justice those responsible for the human rights violations detailed in these European Court judgments. At the same time, Amnesty International continues to receive reports of harassment and intimidation of those who turn to the courts in Russia or the European Court of Human Rights seeking justice."

CoE, 12 June 2007:

"[...] 74. Since the events of the present cases, a number of changes have taken place which should contribute to the prevention of new similar violations:

-the General Prosecutor created on 8 February 2000 the Prosecutor's Office of the Chechen Republic and on 9 September 2002 the Military Prosecutor's Office of the Joint Group of forces in the North Caucasian region;

-according to Ruling n°15 of the Prosecutor of the Chechen Republic of 30 November 2002, interagency investigative groups were created with a view to investigate grave crimes;

-an interagency working group has been created in June 2005, headed by the Deputy Prosecutor of the Chechen Republic and including the heads of law enforcement bodies and of the security forces, to coordinate their action in those cases;

-the United Register of kidnapped or disappeared persons has been also created and is regularly compared with the lists of detained or convicted persons;

-a program providing for a set of measures to prevent kidnappings and to ensure the effective investigation into disappearances, adopted in 2004, was corrected in January 2005 by the prosecutor's office of the Republic in cooperation with the Ministry of Interior of the Republic, the local FSB department and the Prosecutor's Office;

-the new Code of Criminal Procedure entered into force on 1 July 2002, with new rules of investigation.

b) Sanctions against officials responsible for abuses

75. According to the statistics provided by the General Prosecutor's Office, since 1999, the time of first anti-terrorist operations in the North Caucasian Region, the Military Prosecutor's Office has opened 245 criminal cases in relation to crimes allegedly committed by servicemen, out of which

- 98 cases concerning 127 servicemen have been transferred to military courts for trial;
- 62 cases have been discontinued for different reasons, notably an amnesty act, for want of corpus delicti or following the death of the accused);
- 85 cases are still under investigation.

76. So far no statistics regarding possible convictions has been provided. Military courts have tried criminal cases against 117 servicemen, including 28 officers.

c) Redress for victims

77. No specific information has been provided by the authorities on this issue. However some basic principles emerge from the laws referred to by the authorities with regard to the legal framework governing the actions of security forces (see §§ 18 and seq.).

78. The recent Law "On Suppression of Terrorism" contains a number of provisions regarding compensation for damages resulting from terrorist acts and anti-terrorist activities applicable as from 1 January 2007. Prior to its entry into force, these issues were governed by the former Law "On Suppression of Terrorism".

[...]

82. As regards the draft law setting up a specific procedure to allow victims to obtain redress for ineffective investigations, the Russian authorities indicated, on 7 November 2006, that this draft law was considered inappropriate, given the fact that Russian law already contains legal mechanisms allowing victims to obtain redress in such cases.

[...]

85. The measures reported by the authorities (see § 74 above) should doubtlessly contribute to the establishment of effective remedies in the Chechen Republic, inasmuch as they provide the necessary infrastructure which was deficient at the time of the events impugned by the Court."

IDPs can access free legal assistance (2009)

- Legal counselling still needed in North Caucasus in face of continuing human rights abuses

- Local NGOs provide IDPs with free legal assistance on a range of issues, including contested housing, compensation payments and recovery of documents

ECHO, 15 May 2009:

"The region is characterised by political instability, unresolved ethnic and territorial issues, and corruption. Breach of basic human rights is frequent. Legal counselling is more than ever needy to help people fight for their rights."

UN, 1 September 2008:

"– Through Legal Counseling Centers run by our implementing partners – all local NGOs – in 2007, the agency provided over nine thousand legal consultations to internally displaced persons in Chechnya, Ingushetia and Dagestan, where the majority of displaced population is still residing.

Most consultations were provided in Chechnya – about 7 thousand. The agency's legal aid partners referred cases to law-enforcement, administrative and migration structures and courts."

UN, 1 May 2008:

"To provide legal protection to IDPs in all three North Caucasus republics, Vesta staff made 9,766 visits to their places of residence and provided consultations on various issues to 3,490 families; 1,922 families were referred to counselling centres for free legal assistance.

Vesta staff also conducted monitoring to identify the needs of families, which have returned to Chechnya from Ingushetia, Dagestan, CIS countries and Europe. In 2008, Vesta continues to provide legal assistance to various groups of displaced population in the North Caucasus republics."

UN, 1 July 2008:

"It should be noted that issues related to the housing legislation and to compensations are especially acute in the Chechen Republic because of the consequences of the conflicts, such as the absence of archives in the republic, as well as violations in the implementation of legislation by relevant authorities and individual citizens. Republican courts review a lot of cases related to housing conflicts, where several citizens claim the ownership of the same household.

Under the programme of legal counselling and legal aid, the lawyers from counselling centres provide free legal advice in the process of preparation of petitions to judicial authorities and in referring certain cases to law enforcement or administrative structures. These counselling centres, financially supported by the European Community Humanitarian Aid Office (ECHO) are operated by UNHCR implementing partners - Vesta, Nizam and Memorial NGOs - and are staffed by professional lawyers with extensive experience. The lawyers provide nearly seven thousand consultations annually; they help prepare over four thousand claims, complaints and petitions to courts, law enforcement and administrative structures. They also provide field consultations in temporary accommodation centres and compact settlements.

In Chechnya, eight legal counselling centres located in Grozny, Shali, Urus-Martan, Gudermes and Sernovodsk, render legal assistance to the local population. Key issues of concern for people in the Chechen Republic relate to contradictory housing problems, compensation payments, passports and submission of documents for obtaining housing certificates. Some people come for assistance in connection with criminal cases. The cases referred to courts mostly relate to restitution of documents and activity or inactivity of the authorities."

Discrimination

Some IDPs from Chechnya living outside of north Caucasus feel unsafe (Special report, 2008)

- Some IDPs from Chechnya living outside of the north Caucasus feel unsafe
- Ethnic Chechens are targeted by police and extremist groups, but so are non-ethnic Chechens

IDMC Special report, 2008:

"IDPs have the right to life, liberty and personal security, as set out in Guiding Principle 12 and Article 3 of the UDHR. While IDPs generally felt secure where they were living, some reported they felt unsafe as they were targeted by skinheads, nationalists and police on the basis of their origin from Chechnya.

The Open Society Institute concluded in 2006 that the Moscow police were disproportionately targeting people in the Moscow metro system who seemed non-Slavic for identity checks. This pattern was confirmed by a number of IDPs interviewed by IDMC. One displaced woman in Moscow explained how her younger son, who looks ethnic Chechen, was stopped by the police, whereas her elder son, who looks ethnic Russian, was not. Her husband, an ethnic Chechen, has also been stopped and detained by police, though she added that such stops happened less often now than in the past. Ethnic Chechens, however, were not the only group to report being stopped by police, as a displaced ethnic Russian man in Saint Petersburg said he was also often stopped by the police. He was born in Chechnya, but grew up in Saint Petersburg and had been permanently registered there for ten years. He now carried only his driver's license in order to conceal his place of birth.

In Moscow some Chechen boys were reportedly beaten by skinheads and in Rostov nationalists harassed one Russian family when they found out the family was from Chechnya. This was consistent with reports of increasing racial and nationalistic attacks and growing extremism in Russia on national, religious and racial grounds."

Differential treatment of Chechens in Russia (2009)

- Ethnic Chechens outside Chechnya are reportedly systematically discriminated against and cannot enjoy their rights
- They face particular difficulty obtaining residence registration and jobs, and are singled out for document checks on the street
- There has been an increase in incidence and severity of racially motivated violence, including against Chechens

Memorial, 26 May 2009:

"The situation of Chechens in Russia outside the territory of the Chechen Republic was described in each of our preceding reports. In the last year and a half it didn't have any positive changes. It can be seen from the information conveyed in the previous chapter that xenophobia towards Chechens became rooted in the minds of the Russian public.

It is still as difficult for Chechens to rent an apartment or find a job. Many visitors of Civic Assistance Committee confess that when renting housing they hide their ethnicity. They are afraid to ask housing owners to provide them with registration, much as there are now no problems with it compared to a few years ago. A Russian citizen can stay for 90 days without registration at the place of sojourn in a federal subject different from the one of his residence.

However, at that, such persons cannot get a job, they cannot obtain full-fledged medical service and social protection. In order not to reveal their ethnicity, our applicants often have to acquire fake registration in housing different from the one that they rent. At that, there always remains the risk of exposure, sack, and deprivation of social benefits and medical aid."

ODI, 28 February 2009:

"Many people also told us that movement to other states in the North Caucasus or Russian Federation for work was much more limited than before the conflict due to high levels of intolerance and discrimination against Chechens. People said that economic migration had been a major livelihoods activity during Soviet times, but that it was much more restricted now due to concerns about security outside the republic."

Grouping of Russian NGOs, 12 August 2008:

"Ethnic Chechens outside Chechnya are systematically discriminated against, persecuted and subjected to restriction of rights [...]"

Discrimination against Chechens

112. According to NGOs estimates at the moment the number of former Chechnya residents who may be classified as 'internally displaced persons' vary from 300,000 to 500,000 people. These include all people forced to leave the Chechen Republic since 1991 up to now who have failed to find permanent housing and employment and get access to adequate medical care and social welfare. Most of them still cannot integrate in Russia. Apart from that, a lot of ethnic Chechens who left Chechnya before 1990s or were born outside it live in many places all over Russia. Internally displaced persons are the most vulnerable category amongst Chechens, but even Chechens with a stable social status are discriminated against [...]"

Denial of registration by place of residence and sojourn

114. The problem of Chechens' registration is real and acute in all regions outside the Chechen Republic. Housing owners often refuse to give Chechens even temporary registration and prefer either to reject problem-making tenants or let them move in but without any registration. Even if landlords are ready to offer registration to Chechens, they need a very strong motivation, knowledge of laws and energy to make police agencies register a Chechen family in their dwellings. Besides, this procedure is time-consuming. Quite often police officers regularly visit houses with Chechen tenants and offer all sorts of trouble to their owners. Even with housing owners' consent the struggle for registration can last for months or even years [...]"

117. To hamper the Chechens' registration, passport office employees often invent requirements absent in the registration regulations. [...]"

119. In Moscow the Chechens' registration, even if granted, is arranged as a humiliating ritual, including registration authorization by the police station head, special check for a criminal past, compulsory fingerprinting, taking full-face and side profile photographs. Sometimes getting consent of the Federal Security Service and the military enlistment office is required. Even if registration is granted, practically all Chechens are recorded in separate files as potential suspects. Similar practices exist in a number of other regions. In Kazan, all Chechens are obliged to re-register themselves each year; as a part of this procedure they have to write a report explaining why they stay in Tatarstan.

120. Chechens are often subject to degrading ID and registration checks. Policemen also regularly visit apartments or houses where Chechens inhabit for examining whether the dwellers

were really staying there and to what extent they seemed politically reliable. Chechens are routinely checked outdoors. [...]

Dismissals

121. Refusals to employ Chechens or illegal dismissals happen fairly regularly. Quite often the initiative does not come from employers, since they are regularly pressurised by law-enforcement and security services, i.e. they are either 'not advised' or expressly prohibited to hire Chechens [...]

124. Human rights organizations' experience shows that it makes absolutely no sense to file any enquiries to the Federal Security Service or complaints against it. One never gets any response or explanation; the heads of local Federal Security Service departments utterly ignore all calls and requests to explain the demands of their subordinates.

Fabrication of criminal accusations

125. From autumn 1999 till mid 2003, fabrication of criminal accusations was systematic and looked like a series of mass campaigns initiated from the top after the terrorist acts in Russian cities. In particular, in autumn and winter of 2002, after the hostage taking in Dubrovka Theater, dozens of people whose relatives fell victim to fabricated accusations complained to Moscow human rights organizations. Since mid-2003, such fabrications have been no longer massive in scope, but individual incidents still happen. "

UN CERD, 20 August 2008:

"12. The Committee notes that article 286 of the Criminal Code criminalizes violations of rights and lawful interests of individuals and organizations committed in an official capacity while exceeding official powers. It is nevertheless concerned that, despite this provision, ethnic minorities such as Chechens and other persons originating from the Caucasus or from Central Asia, as well as Roma and Africans, reportedly continue to be subject to disproportionately frequent identity checks, arrests, detentions and harassment by the police and other law enforcement officers (arts. 2, para. 1 (a), 5 (b) and 5 (d) (i)).

The Committee recommends that the State party take appropriate action, including disciplinary or criminal proceedings, against public officials who engage in racially selective arrests, searches or other unwarranted acts based solely on the physical appearance of persons belonging to ethnic minorities, provide continuous mandatory human rights training to police and other law enforcement officers to prevent such profiling, and amend the performance targets for the police accordingly. In this connection, the Committee draws the attention of the State party to general recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system [...]

18. While noting with appreciation the explanation given by the Head of the Russian delegation concerning the root causes of racist and xenophobic attitudes among parts of Russian society, the Committee is nevertheless gravely concerned about the alarming increase in the incidence and severity of racially motivated violence, especially by young persons belonging to extremist groups and, in some cases, by extremist elements of Cossack organizations, against Chechens and other persons originating from the Caucasus or from Central Asia, Roma, Meshketian Turks, Muslims, Africans and other ethnic minorities (art. 5 (b)).

The Committee recommends to the State party to further intensify its efforts to combat racially motivated violence, including by ensuring that judges, procurators and the police take into

account the motive of ethnic, racial or religious hatred or enmity as an aggravating circumstance in any proceedings under the criminal law provisions mentioned in paragraph 3 above, and to provide updated statistical data on the number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims. "

МХГ, 16 июля 2008г.:

"Чеченцы, покинувшие республику во время военных действий, в других регионах России выживают с большим трудом, сталкиваясь с дискриминационным отношением к себе со стороны работников правоохранительных органов и чиновников.

Во некоторых — в Тверской, Брянской, Тамбовской областях, в Ставропольском крае, Кабардино-Балкарии — население не скрывает враждебности по отношению к чеченцам."

See also Report submitted by Mr. Doudou Diene, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, UN, 20 February 2008.

Freedom of movement

Freedom of movement and choice of residence continues to be restricted (2009)

- Some residents of Chechnya have limited their movement because of disappearances and continuing military activitiesThe Russian Constitution provides for freedom of movement and choice of residence
- Federal legislation abolished the "propiska" system and instituted an informative system of residence registration
- Lack of residence registration bars IDPs' access to essential services, such as health care, pensions, benefits, education and jobs
- Russian citizens are permitted to stay in an area outside their residence for up to 90 days, otherwise they must apply for temporary registration

ODI, 28 February 2009:

"In the research areas, people interviewed indicated that they generally felt safe enough to move around and pursue their livelihoods: 'men, women, everyone, we can now all move around safely' (Serzhen Yurt). Family members of a number of interviewees had 'disappeared' during the conflict, but there were no reports of recent disappearances in the communities where interviews were conducted. However, whilst there are no restrictions on movement and people generally considered it safe to move around, unnecessary movement is still limited. Women in Duba Yurt indicated that they tried to stop their children from travelling to Grozny for work – 'so many people have been lost, people don't want them to move' – but stated that, in general, only their daughters stayed...Interviewees indicated that continuing military activities in the mountains, landmines and unexploded ordnance all made moving around to collect firewood, garlic and berries difficult. While interviews claimed that they no longer forage for wild foods, local NGOs indicated that, in some areas, people were continuing to put themselves at risk."

Memorial, 26 May 2009:

"In the introduction to our report, we have already mentioned the scrupulous attention, which the security service officers paid to the participants of seminars for teachers of mountain areas of the Chechen Republic.

There were no problems connected to the visit of Chechen teachers to the first seminar in Moscow area that took place in October 2008 during autumn vacation. The seminar took place at the Training Center of the town of Moskovsky where they are accustomed to hosting all sort of groups: this is where congresses of political parties, all sorts of societies and movements are hosted. For a long time, seminars for lawyers of the Migration Rights Network took place there twice a year, to which officers of the Network came from throughout Russia. In October 2002, exactly during the time of the terrorist act in Dubrovka, we were holding a seminar for attorneys from Chechnya in the Training Center, as after a long break the judicial system was being restored in Chechnya. Despite the common state of stupor and horror, nobody came to the Center to offend the Chechen attorneys with their suspicions.

The second seminar for teachers took place on March 21-29, 2009 in the town of Puschino near Moscow. This time the Chechen participants caused a stir at the local police office. The seminar was held during spring school vacation. For teachers from Chechnya to be able to learn original teaching methodologies, the seminar was timed to the yearly Puschino Winter School attended by school students and teachers from different regions of the country.

In the very first day of the seminar, police officers stopped a few teachers to check their documents, asked them where they were from and why they came to Puschino. The participants told them that they came to a seminar and lived in the town's hotel. After a while, criminal police came to the hotel and asked to be given copies of all passports of those who came from Chechnya. Having discussed the situation, organizers of the seminars decided to make the copies and pass them to the police. But this wasn't the end of it all. Police officers would come to the hotel almost daily, explaining that they were acting under a secret order in an "Antiterror" operation and that they had the right to perform fingerprinting and photographing of all participants.

Despite not finding any criminal intentions in the Chechen teachers, on April 1 their participation in the Puschino Winter School was discussed at a session of the town administration. Mr. M. A. Roytberg, the head of the school, learnt that in accordance with the rules effective in the Moscow Oblast he had to inform the town authorities and law enforcement about the visit of teachers from Chechnya and provide their lists. Thus, there was acknowledged the existence of some secret order regarding the Chechen, which Mr. Roytberg had to guess. Unfortunately, many figures in authority and common citizens indeed "guess" the existence of such orders and try not to have business with those coming from Caucasus. At the same time, particularly receptive individuals enter into the spirit of such orders and sincerely consider communication with their fellow citizens from Caucasus dangerous."

Gannushkina 2004, p. 54:

"The Russian Constitution states in Article 27 that:

(1) Everyone who is lawfully staying on the territory of Russian Federation shall have the right to freedom of movement and to choose the place to stay and reside. (2) Everyone shall be free to leave the boundaries of the Russian Federation. The citizens of the Russian Federation shall have the right to freely return to the Russian Federation.

In light of the tsarist-era restrictions on movements of the subjects of the Empire, as well as of the Soviet-era '*propiska*' regime, the Russian government found it necessary to issue a law in 1993 regarding freedom of movement. The basic concept under this federal law has been to establish a system of registration at the place of sojourn (so-called '*temporary registration*') or at the place of residence (so-called '*permanent registration*'), whereby citizens notify the local bodies of interior of their place of sojourn/residence, as opposed to the former '*propiska*' regime, which empowered the police authorities to authorise (or deny) citizens to sojourn or reside in a given location.

Although federal legislation officially has abolished '*propiska*' requirements, many regional authorities of the Federation nevertheless apply restrictive local regulations or administrative practice. Relevant in this context is the partial failure of the State organs responsible for control of the legality of administrative acts (e.g. the Russian Federation Constitutional Court and the Commissioner on Human Rights of the Russian Federation, or Ombudsman) to effectively correct the violations of federal legislation on freedom of movement perpetrated by the various constituent entities of the Federation. In its October 2000 special report '*On the Constitutional Right to Liberty of Movement and Freedom to Choose a Place of Sojourn and Residence in the Russian Federation*,' the Russian Federation Ombudsman deplores that

violations of constitutional rights to liberty of movement and freedom to choose one's place of sojourn and residence by government bodies are due not only to regulations of constituents of the Russian Federation being contrary to federal legislation regulating this constitutional right, but also to unlawful law-enforcement practices,

which are, by nature, more difficult to document and thus to contest before the courts of law."

CRI Project, 31 May 2007:

"In order to travel freely on the territory of Russia one needs to have a Russian citizen's passport with the stamp of permanent registration as well as the travel documents (tickets from the place of permanent registration to the place of destination). A person who wants to travel by train or by air, needs to show his passport to the cashier who will write his name and the passport number on the ticket. This will permit the traveller to enter on board the train or plane. Big luggage provokes the suspicion of the police and can lead to luggage and documents checks. The traveller is not required to register at his destination if his stay is limited to a period of 90 days. However, he needs to keep his travel ticket and show it to the police in case of control. If he stays longer than 90 days, the traveller has to appeal for the provisional registration."

SUBSISTENCE NEEDS

Food

Most vulnerable IDPs still require food assistance (2009)

- About 150,000 hectares of land were destroyed during the war and livestock was decimated
- Production is still lower than required and most food is imported
- Food security in urban areas has improved but rural areas have not recovered
- About 1/3 of the population in Chechnya and Ingushetia were thought to be food insecure in 2006
- Most people receiving food assistance have become dependent on it, and still need it
- World Food Programme and UNICEF identify possible food security and nutritional crisis in Chechnya

ODI, 28 February 2009:

"A food security report in 2006 indicated that, while poverty in urban areas had decreased due to the effects of reconstruction, rural areas showed no signs of recovery. Ninety per cent of the population live on income below the subsistence level (UNDP, 2007). Approximately 30% of the population in Chechnya and Ingushetia were thought to be food insecure in 2006, with severe wasting particularly prevalent in the mountainous regions of Chechnya (Tango, 2007)..."

Ongoing insecurity is curtailing productive activities, disrupting agricultural production and local and regional markets. Reports indicate that 150,000 hectares of land were destroyed in the war, along with irrigation systems for 135 hectares. Livestock was decimated. Production remains far below the levels required, and most food is imported. Inflation has significantly increased food insecurity (Robinson, 2008)."

DRC, 31 January 2008:

"Being supported by the DRC and other human aid organisations for a long time most beneficiaries used to get basic food products "at the door step" and have become strongly dependent on this assistance. Many beneficiaries have still not fully recovered from severe psychological impact of the recent hostilities and will require support to get away from the dependency created by many years of food aid."

WFP/UNICEF, 3 April 2007:

"The nutritional analysis has identified a situation of possible severe wasting which would require timely response and further monitoring. *There is a significant incidence of severe wasting throughout the region, but concentrated in the mountain areas of Chechnya.* Wasting is an acute condition which implies that the child's weight is abnormally low for its height. Typically, findings of malnutrition may be partially explained by inadequate quantity and/or quality of diet. In this study the prevalence of wasting is associated mainly with vulnerability, food insecurity and socio-economic status, all of which have been identified as interrelated problems in these regions. Consistent with the levels of severe wasting and wasting determined by the analysis, data also suggest a slight prevalence of underweight children in the sample. Though the data may have overestimated height/length, thus overestimating wasting and underestimating stunting, these findings may indicate an acute food security and nutritional crisis that should be addressed

immediately. Malnutrition may possibly still be related to health and feeding practices; however, more information on child health is recommended."

Action contre le faim, 31 July 2007:

"...access to food still remains a problem for the most vulnerable."

Details of food assistance in Chechnya and Ingushetia (2009)

- World Food Programme finished activities in Russia in 2008; ICRC finished food distribution in 2007
- Danish Refugee Council (DRC) school-feeding projects will end in 2009
- DRC has progressively given food beneficiaries cash rather than food
- Government food assistance delayed in Ingushetia in 2008

Food Assistance Details

DRC, August 2009:

"In August 2009, prior to the beginning of the new academic year, DRC staff started preparation activities for the continuation of the school feeding project in Shatoi, Sharoi and Itum-Kali districts of Chechnya. DRC announced tender for procurement of the food commodities for daily hot meals in 26 schools enrolled into the project – rice, buckwheat, cereal porridge, enriched biscuits, cocoa, sugar, salt.

DRC's institutional feeding Project aims to provide about 25% of the daily Kcal intake of children per day.

The rest of their Kcal intake is intended to come from a combination of community contributions, enriching the ration, and meals at home. With parental contributions to the school-feeding activities (contributions to the rations with butter, milk, biscuits, sugar, oil, etc.) – the school ration, under the Project, comprises more than 30% of the daily caloric intake.

In view of the phasing out of the project at the end of 2009, DRC is gradually reducing the volume of assistance through decrease of the target group, thus excluding the senior students of the total number of beneficiaries. DRC continues identifying steps which schools, local communities and other duty-bearers can take over to operate school feeding programs more independently. At all stages of the project cycle, DRC is maintaining close cooperation with cooperation the Ministry of Education of Chechnya, local Departments of Education and local communities."

ODI, 28 February 2009:

"DRC also conducted a cash transfer pilot, which indicated that a cash transfer system would be more efficient and effective than food distribution. As a result, a large proportion of food

beneficiaries were progressively assisted through the provision of cash, rather than food, from 2007 onwards."

Правительство РФ, 31 декабря 2008г.:

"На основании постановления Правительства Российской Федерации от 3 марта 2001 г.№ 163 граждане, проживающие в местах временного размещения, получают в сутки из средств федерального бюджета на одного человека продукты питания из расчета 25 рублей, а размещенные в частном секторе – 6 рублей для оплаты компенсации на хлеб. Возвращающимся оказывается помощь по оплате проезда и провоза багажа к местам их прежнего проживания на территории Чеченской Республики."

DRC, June 2008:

"In June 2008, DRC completed the cost-extension cycle for delivering food packages to homebound handicapped in Gudermess and Nozhai-Yurt districts funded by ECHO. Totally 2,183 beneficiaries received food packages consisting of flour 10 kg, oil 2 litres, rice 2 kg, sugar 2 kg, tea 3 packs.

In June 2008, DRC initiated a survey on identification of non-food needs of school canteens in Shatoi, Sharoi and Itum-Kali districts. The results of the survey will reveal the urgent non-food needs for improving the project of hot meals to schoolchildren. During regular monitoring at the end of academic year (late May), DRC registered certain amounts of these commodities as leftovers of School Feeding project funded by SIDA. Schools which are enrolled into the project halted their activities for two weeks in March 2008 due to Presidential Election, and that gave some savings of food commodities (sugar, rice, buckwheat, cereal porridge, cocoa, buckwheat, salt) [...]

110 ECHO supported farming projects have been implemented in the Nozhay-Yurtovsky district. In June, the tender committee identified suppliers for 11 additional livestock projects in the same district. The livestock, 11 dairy cows, have been delivered to the beneficiaries residing in the villages Meskety and Gilyani. The fodder, 7700kg in total, will soon be delivered to DRC's warehouse [...]"

WFP ends food distribution in North Caucasus

UN, 10 December 2008

"Following positive developments in the Chechen Republic, WFP took a decision to wrap up its activities in the region. Presently the last food distribution is being conducted within the framework of the Food for Education programme in Chechnya and will be completed by the end of 2008. Thus, starting from 2009, Russia will cease to receive food aid in the North Caucasus, and WFP is looking forward to continuously growing contributions from Russia aimed at providing humanitarian food aid to the needy people worldwide."

UN, 1 January 2009:

"The pilot programme in Chechnya started in December 2001 covering 6,000 primary school children, who were provided with hot meals daily, cooked from food commodities supplied by WFP. With years, the programme expanded to cover some 137,000 pre- and primary school children (1st to 6th grades) in 450 school institutions in 14 districts of Chechnya. During 2000 – 2008 14,192 MTs of food were distributed in Ingushetia and Chechnya under Food for Education programme at the total cost of US \$7 million. Many school teachers in Chechnya acknowledged that the WFP FFE programme has helped not only in increasing attendance and enrolment rates, but also in improving children's overall academic performance and classroom behavior. FFE programme has therefore invested in both long-term social dividends by improving the prospects for present primary school children to become successful and educated adults in the future."

UN, 1 September 2008:

"In January 2000, WFP started providing emergency food assistance to internally displaced persons (IDPs) in Ingushetia and food-insecure vulnerable groups in Chechnya. The major part of this aid was channelled through the General Food Distribution (GFD) programme. In 2000, WFP started providing basic food commodities to about 150,000 IDPs in Ingushetia and to some 22,000 beneficiaries in Chechnya through this programme.

In 2002, following the gradual increase in the number of IDPs returning to Chechnya, WFP focused its assistance on Chechnya. Compared to 2000, when 85 percent of the GFD assistance was provided to IDPs in Ingushetia, in 2008, 76 percent of food aid under GFD was distributed in Chechnya. In 2000-2008, 175,119 MT were distributed in Ingushetia and Chechnya under the GFD programme at the total value of US \$86.5 million.

The educational system in Chechnya was suspended during the conflict, with schools ceasing operations for nearly two years. Out of the total 438 schools, over 50 percent of the school buildings were either severely damaged or destroyed. Therefore, WFP Russia launched the School Feeding Programme (SF) in Chechnya to assist the restoration of the educational system. The pilot SF programme was started in December 2001 covering 6,000 primary school children, who were provided with hot meals cooked from food commodities supplied by WFP on a daily basis. Over the following years, the programme expanded to cover some 137,000 pre- and primary school children (1st to 6th grades) at 450 schools in 14 districts of Chechnya.

In 2004- 2006, WFP implemented the FFE for Chechen IDP children in Ingushetia. The programme covered some 4,000 children in 44 IDP tented schools located in the republic. The findings of a food needs assessment confirmed that in some cases, the meal provided at school by WFP was the primary food ration of the day for children. In 2000-2008, 14,192 MT were distributed in Ingushetia and Chechnya under the FFE programme at the total value of US \$7 million.

WFP started implementing the Food for Work programme in summer 2001, focusing these projects mainly on rebuilding the public infrastructure, including cleaning the city of Grozny, planting trees and helping with reconstruction and rehabilitation of schools, clinics, parks, and roads. Local communities have enthusiastically supported these projects, and the number of participants has been steadily increasing, reaching its peak (some 23,600 people) in 2005. Gradually, WFP shifted the focus from supporting activities such as street cleaning, which over the first 3 years, had greatly contributed to making Grozny and other towns and villages of Chechnya look more attractive.

In 2006, it concentrated on agriculture rehabilitation projects in rural areas. Over 2005-2007, more than 4,200 hectares of land were cultivated within the framework of the FFW projects, including beetroot, grape, vegetable, and fruit production; clearing of pasture lands, etc. In 2005-2006, these projects resulted in the production of over 3,600 MT of apples, vegetables, and beetroot. In 2004, WFP started implementing the Food for Training Programme, which included trainings of trainees from vulnerable families on various income-generating skills such as sewing, beauty techniques, hairdressing, driving and carpentry.

Overall, WFP's FFT programme provided training to 1,750 participants. Postmonitoring showed that some 50 percent of the graduates start to earn an income within six months of graduation. Over 2000-2008, 14,280 MT at the total value of US \$7 million were distributed in Ingushetia and Chechnya under FFW/T programme.

Since April 2004, WFP partnered with Caritas Internationalis in the implementation of the Social Canteens project for some 1,600 particularly vulnerable people in Grozny. Many of them were blind, handicapped or lived in such poor conditions that they had problems cooking the food they received through the relief distribution programme. With various donors contributing fresh food and WFP providing basic ingredients, these people had an opportunity to enjoy a hot meal five days per week. During 2004-2008, 1,042 MT at the total value of US \$515,000 were distributed in Grozny under the Social Canteens project."

ICRC ends food distribution in Chechnya

Prague Watchdog, 26 October 2007:

"The International Committee of the Red Cross (ICRC) recently began its last distribution of humanitarian aid in Chechnya. The process of handing it out to the 15,000 people who qualify for it has now begun in the republic, and it will end on November 20.

The decision to terminate the aid, which consists mainly of food products, was taken by the ICRC on the grounds that the situation in the republic has returned to normal and that therefore such support is no longer needed by residents there.

Many aid recipients are taking a very negative view of the news. People are seriously worried, because the aid has been almost their only source of nutrition [...]

The ICRC is offering recipients of humanitarian aid a program for micro-economic projects. "Anyone who has received assistance from us can get something from us to make it possible for them to carry on a trade or profession of their own - to open a café, a sewing workshop, or an auto repair garage, for example," a representative at the Moscow office of ICRC told Prague Watchdog."

Shelter and non-food items

Housing conditions of IDPs from Chechnya outside of north Caucasus (Special report, 2008)

- Most IDPs interviewed outside of north Caucasus live in private housing
- Government-organised accommodation is being progressively closed
- IDPs spend most of their salary on rent and they should be able to acquire a place on the list for government housing

IDMC Special report, 2008:

"Most of the IDPs interviewed rented a privately-owned room or apartment, though some lived in temporary accommodation centres (TACs) provided by the government or dormitories provided by their employer. Guiding Principle 18.2b states IDPs should have basic shelter and housing, and Article 25.1 of the UDHR states housing should be adequate for health and well-being. A Supreme Court decision stating that property compensation recipients should not lose their right

to a place in government-organised accommodation has not consistently been respected. TACs are progressively being closed and more IDPs are being forced to rent in the private sector where they spend most of their salary on rent, and in the case of Chechens, experience discrimination. Only three of 30 IDPs interviewed had managed to secure permanent housing since their displacement.

With most IDPs in the private sector spending the bulk of their income on rent, it is important that they have the necessary documents and registration to acquire a place on the list for government housing.

IDPs paid a range of rent for their accommodation, and rent in the private sector was most expensive. Residents of TACs had to pay from \$30 to \$85 (700 to 2,000 roubles) per month for utilities, though some pensioners paid half this amount and some who no longer had forced migrant status paid more. IDPs living in dormitories provided by their employer paid from around \$20 to \$100 (400 to 2,300 roubles) per month. Private sector rent was almost as much as the monthly salary of most people interviewed. Rent was most expensive in Moscow, where there is no option of staying in a TAC. IDPs pay about \$340 (8,000 roubles) for a shared room in a communal apartment and \$1,055 (25,000 roubles) for a two-room apartment. In other areas rent ranged from \$125 (3,000 roubles) for two small rooms in Volgograd with no indoor plumbing or gas to \$420 (10,000 roubles) for a two-room apartment in Rostov.

Article 4.1.4 of the law on forced migrants states that people with forced migrant status are entitled to housing in TACs. There were TACs for IDPs from Chechnya in Saint Petersburg, Veliki Novgorod, Vishni Volochek district, Pyatigorsk and Volgograd, though such centres have generally been vacated. In Saint Petersburg, the TAC had been built to accommodate forced migrants, while those in Veliki Novgorod, Vishni Volochek district and Pyatigorsk were former work dormitories, sanatoriums and hotels. The TAC in Rostov apparently only accommodated refugees from the former Soviet republics such as Azerbaijan and Tajikistan.

IDMC only visited the Serebrianniki TAC in Vishni Volochek district, but interviewed IDPs living in TACs in all other locations. Families were occupying one or two rooms with no separation of the sexes or age groups. Rooms ranged from nine to 19 square metres. By comparison, a federal housing programme allocates 33 square metres for a single person, 42 square metres for a family of two, and 18 square metres per person for families of three or more. While most residents had no major complaints about the living conditions, those in Veliki Novgorod reported that there were security cameras throughout the building, they had to inform the TAC administration if they left for more than 24 hours, and the installation of a home telephone or internet connection was not permitted. Residents repaired their rooms at their own expense, though in one case a court decision forced the Federal Migration Service to renovate a TAC in Volgograd.

The TACs provided shelter and guaranteed physical safety. They included essential facilities, except for some IDPs who reported they had lived in a dormitory in Pyatigorsk for five years without hot water or gas. Residents had access to energy for cooking, heating and lighting, and facilities for sanitation and washing, food storage, refuse and waste disposal. The TACs were in urban areas, with the exception of Serebrianniki, allowing access (at least for those with residence registration) to work opportunities, health care services, schools and childcare centres.

IDPs from Chechnya living outside of north Caucasus still without permanent housing solutions (Special report, 2008)

- IDPs told to leave government-organised housing after they receive property compensation

- But a Supreme Court ruling said recipients of property compensation should not lose their place in government housing if the compensation does not allow them to buy housing or does not adequately compensate them for their loss
- Ethnic Chechen IDPs reportedly face discrimination when looking for housing
- A federal housing programme is a positive initiative, but it is proceeding slowly with few funds for forced migrants

MHG, 30 January 2009:

"По самой простой теме получить информацию невозможно. Списки на получение жилья вынужденными переселенцами из Чеченской Республики по программе Правительства России, в Тамбовской области чиновниками областной администрации скрываются. Мы попытались узнать номер очередности, обратившись к нам вынужденных переселенцев. Однако в областной администрации нам отказали, мы обратились еще раз, грозили Законом, снова получили отказ. Обратились в прокуратуру Тамбовской области с просьбой обязать областную администрацию ознакомить со списком очередников из Чеченской Республики. В ответ получили расплывчатое письмо ни к чему не обязывающее областную администрацию. Тогда мы направили в прокуратуру и администрацию письмо с просьбой включить в комиссию по распределению жилья беженцев, на которое так и не получили ответа. Такая позиция областной администрации наводит на размышление о том, что жилье получают вовсе не вынужденные переселенцы."

IDMC Special Report, 2008:

"IDPs living in TACs were concerned about evictions. Those who had received property compensation were protected by a Supreme Court ruling of 2002, but the tenure of those who had not received property compensation and who had lost forced migrant status was at risk. The loss of forced migrant status serves as grounds for evicting IDPs from TACs since the status is the legal basis for which the state should provide them with housing. Article 9.6 of the law on forced migrants states:

"If a person loses forced migrant status or if he/she is deprived of forced migrant status, he/she shall be obliged to leave the accommodation provided to him/her from the housing fund for the temporary accommodation of forced migrants" [unofficial translation]

Thus if an IDP's forced migrant status is not extended after the initial five-year period they must leave government-provided accommodation. Some IDPs in this situation in Pyatigorsk and Veliki Novgorod received regular letters from local migration authorities demanding that they vacate their rooms at the TACs. However, they were not leaving since they had no alternative affordable accommodation and a court order is required for eviction.

While it could be lawful for IDPs to be asked to leave their place in government housing upon loss of forced migrant status, the migration authorities did not always seem to be respecting a 2002 Supreme Court ruling on the issue. The Russian Supreme Court ruled in 2002 that people who receive compensation for lost or destroyed property in Chechnya should not be removed from the list of those in need of improved housing, or lose their right to a place in accommodation for forced migrants as long as the compensation does not correspond to the amount of property lost, or allow one to acquire housing at the new place of residence. This decision declared Article 19 of law 510 on property compensation inactive and unlawful. This Article stated:

"A citizen who has received compensation for lost housing loses the right to live in temporary accommodation centres for forced migrants and in housing of the fund for temporary accommodation of forced migrants and is also taken off the list of those in need of improved housing." [unofficial translation]

The decision does not explicitly state that these IDPs should retain forced migrant status. Nevertheless, those who receive property compensation retain the right to live in the TACs. However, some IDPs had been told to vacate their accommodation after the 2002 decision as they had received compensation for lost or destroyed property. The migration authorities had explained that to grant compensation they must take away recipients' forced migrant status.

TACs are being progressively closed to accommodation by IDPs. During this visit, IDMC witnessed an attempted eviction of an IDP family from the Serebrianniki TAC. There was a court order from 2005 to evict this family as they did not have forced migrant status. With no alternative accommodation the family had successfully appealed to postpone the eviction since that time. In the end a compromise was reached and the family reluctantly vacated one of two rooms they were occupying in the TAC. This was the last family living in the TAC as all the others had left or been evicted on the basis of not having forced migrant status, some under pressure and in the winter with no offer of alternative accommodation.

IDPs in Saint Petersburg and Pyatigorsk were also being asked to leave TACs. In Saint Petersburg, an 80-year-old displaced woman had been evicted from her room in a TAC, without an offer of alternative accommodation, as she did not have forced migrant status. Her attempts to regain forced migrant status through the courts on the basis of the 2002 Supreme Court decision and prove she did not have the means to secure other accommodation despite receiving property compensation had been unsuccessful. She subsequently shuttled between living with her daughter and a distant relative. In Pyatigorsk, the dormitory where IDPs were living was being handed over to the army and IDPs were being told to leave.

IDPs in employer-provided housing and the private sector had also experienced eviction. In Rostov, IDPs living in dormitory rooms provided by their employer were under pressure to leave as the building was being handed over to the municipal authorities; they were not being offered alternative accommodation. IDPs living in the private sector in Saint Petersburg and Rostov explained how they had been evicted from the housing which they had rented on the basis of verbal agreements which offered no protection. In Rostov, the eviction had been on the basis that someone else allegedly had rights to the apartment, while in Saint Petersburg the municipal authorities had claimed they owned the apartment. After having exhausted local remedies, two IDPs had applied to the European Court of Human Rights about their eviction, but the Court had yet to reply on whether it would admit their cases.

Discrimination is an obstacle for many ethnic Chechen IDPs in search of housing in the private sector. Several IDPs in Moscow reported that they often saw advertisements for rooms and apartments for rent which stated that only people of Slavic descent need apply. The Council of Europe's European Commission against Racism and Intolerance reported in 2006 that:

"...Chechens face great difficulty in finding a flat to rent in Moscow and other big cities. When they do manage to find accommodation, they are often forced to pay at least twice the usual price. Racial discrimination in the field of housing has also been reported in advertisements for rental accommodation appearing in newspapers. These state that persons belonging to a specific ethnic group, such as Caucasians, may not apply".

Ethnic Chechen IDPs described how they had moved seven or more times since arriving in Moscow in the mid-1990s, as landlords refused to let apartments to them for long periods. An internally displaced single mother in Volgograd had moved 11 times in as many years, and her children had often had to change schools. With only verbal rental agreements, these displaced people had no security of tenure. In Russia Chechens are generally viewed as "the enemy," an image that has been reinforced by the mass media, especially after the 2002 Moscow theatre

hostage crisis, the 2004 Beslan school siege and the 2005 Nalchik raids for which Chechen rebel fighters took responsibility.

Provision of permanent housing to IDPs with forced migrant status now falls within the federal housing programme set to run until 2010. Regional government agencies issue housing certificates to entitled citizens, who use them to purchase housing or pay off loans and other credits within nine months of receipt. The state housing certificates are planned and released based on the average cost per square meter of housing in Russia, and the standard size for the new housing. The size is set at 33 square metres for a single person, 42 square metres for a family of two, and 18 square metres per person for families of three or more.

The main problem with this programme is the lack of funds. Approximately \$225 million (5.3 billion roubles) are to be allocated up to 2010 to issue housing certificates to forced migrants, or around thirty per cent of the 38,445 forced migrants recognised to be in need of improved housing.

Furthermore, disbursement will have to accelerate if this sum is to be used. While from 2002 to 2005 more than 7,400 forced migrant families received improved housing within the federal programme, in 2006 and 2007 only 1,654 housing certificates were issued to forced migrants. IDPs and their lawyers reported that issuance of housing certificates had slowed, and even stopped in some locations. One IDP in Rostov was 161st on the list when he applied in 1997, and he still occupied that place in 2008. In Veliki Novgorod there were 800 people on the list and only two people received certificates in 2007, while in Volgograd there were 900 people on the list and none had received a certificate during the year. Only one housing certificate was issued in Moscow in 2007.

Another problem with the programme is that it does not include all IDPs still in need of permanent housing. IDPs reported that forced migrant status and permanent residence registration were needed to get on the list. Recipients of property compensation are not currently included in this programme, although the Federal Migration Service is currently advocating that compensation recipients be included and that the amount of credit conferred by their housing certificate takes into account the amount of compensation they have received."

Evictions from Temporary Accommodation Centers outside of North Caucasus (2008)

- Some 1,000 IDPs from Chechnya settled in Temporary Accommodation Centres (TAC) outside of North Caucasus
- Forced migrant status of IDPs expired after a five-year term in 2005 and an extension was denied
- Other IDPs lost forced migrant status because they receive compensation for lost property and housing
- Those without forced migrant status were evicted from TACs in Tambov and Tver, sometimes by force

Updated information on this topic could not be found among the sources consulted.

МХГ, 16 июля 2008г.:

"В Центрах временного размещения (ЦВР) по всей территории России первоначально было расселено 666 ВПЛ из Чечни. Сейчас их число уменьшилось в несколько раз,

поскольку из центров выселили всех ВПЛ, не имеющих статуса вынужденного переселенца.

В ЦВР «Серебряники» в Тверской области в начале 2005 г. проживало 286 человек, в 2006 г. — 68 человек, а на начало 2007 г. осталось всего 13 человек. Жильцам поставили условие: или получать компенсацию по 510-му постановлению в сумме 125 тыс. руб., или покинуть ЦВР «Серебряники». Это же условие легло в основу решений, выносимых судами...

Большинство выселенных чеченских семей выехали на родину, отказавшись получать компенсацию, так как на 125 тыс. рублей в Тверской области невозможно купить жилье. К тому же жить там чеченцам тяжело — местное население крайне враждебно к ним относится, видя в них врагов и террористов. Это же отношение, как ни странно, переносится и на русских переселенцев из Чечни.

В настоящее время руководство ЦВР приостановило выселение, видимо, потому, что штат сотрудников Центра уже превышает число проживающих. В Тамбовской области находятся два ЦВР. В Тамбовском проживают 148 ВПЛ из Чечни, в Гавриловском — 39. Все жильцы, не имеющие статуса временного переселенца, выселены из центра. Администрация отказывает в продлении регистрации даже людям, имеющим статус, если они подали заявление на получение компенсации за утраченное в Чечне жилье и имущество."

Memorial, 31 July 2006:

"The total number of Chechen IDPs who were resettled into temporary accommodation centers (TACs) located outside the North Caucasus is approximately 1,000 people. In 2005, their situation worsened dramatically.

Those migrants whose five-year term since the date of receipt of a forced migrant status has expired are denied extension of this status by local Directorates of the Federal Migration Service (FMSDs). In the Tambov and Novgorod TACs migrants who received compensations for lost housing and property, have also been stripped of their forced migrant status. The Tambov Region Migration Administration issued Regulation No. 114 of June 6, 2005, whereby all the individuals without a forced migrant status were to be struck off from the Form No. 7 Register. After that the TAC administration filed claims with the court demanding eviction of IDPs.

As of today, all the people without a forced migrant status have been evicted from the Tambov TAC. Only two families have stayed, who have a court's decision to suspend the execution. No ethnic Chechens without a forced migrant status have been left among the dwellers of the TAC. It should be noted that none of those evicted have returned to Chechnya: they are renting apartments and work, as a rule, as salespeople in the markets [...]

In the Tver region, similar decisions were taken by the court in regard of nine families, or 42 people, from Serebryaniki TAC. In April this year, their eviction was carried out by armed OMON troops [...]

On April 20, 2006, Kulsum Shavkhalova and her daughter, Petimat, went on a hunger-strike in protest over the court decision to evict them from the TAC. Shavkhalova with her two daughters and three grand-daughters lived in Serebryaniki for six years. Members of the Shavkhalova family are reluctant to return to Chechnya, where their relatives were killed before their eyes. A year ago, the Shavkhalova family was stripped of registration at the TAC. The migration service officials keep refusing to take documents for compensation from Shavkhalova and her daughter Petimat Khatayeva, since they do not have a residence permit. They are counseled to register at someone's place in the Tver Region, but the family does not have money to rent housing and

besides, Chechens are denied registration here and local people are extremely hostile towards them...

A few days after they went on a hunger-strike, an observer from the Novaya Gazeta newspaper Vyacheslav Izmailov, who came to Serebryaniki, convinced the women to stop the hunger-strike. He had negotiations with the new head of FMSSD for the Tver Region Vadim Ivanov to have a temporary registration certificate re-issued to Shavkhalova's family and their documents for compensation registered. However, the intervention of the prominent journalist has helped only to postpone the eviction. Members of Shavkhalova's family have never been registered at Serebryaniki and their documents for compensation have been turned down. All the TAC dwellers are worriedly waiting for the ripples caused by the newspaper article to calm down and the pressure on them to resume.

The evicted dwellers are advised to return to Chechnya, where they have nowhere to live, since their homes are in ruins. Today there are no rooms even at TAPs, as the campaign to shut them down is in full swing [...]

Currently, only ten families have been left at Serebryaniki TAC."

See also "[Переселенцы на улицы](#)," *Новая Газета*, 11 мая 2006 г.

Lack of permanent housing is still a major problem for IDPs (2009)

- Some 20,000 houses have been built or repaired by international organizations in Chechnya and Ingushetia
- However, more than 60,000 people still need a permanent home in the North Caucasus
- About 20,000 houses are still damaged from the war in Chechnya

UN, 1 July 2009:

"While large scale military actions ceased years ago, the region is still characterized as a post-conflict environment with significant challenges and needs. UNHCR's Global Needs Assessment (GNA) conducted in early 2009 identified that over 60,000 persons in four republics of the North Caucasus, where UNHCR operates, (Chechnya, Dagestan, Ingushetia, and North Ossetia-Alania) still need to find a permanent home - some of these 60,000 persons have a forced migrant status granted by the Russian Government and some do not.

Unlike in some other countries, the level of legal protection these people can enjoy is relatively high in the Russian Federation. Nevertheless, the GNA confirmed that permanent shelter and stable income are the two major factors preventing the achievement of durable solutions - either returning to their places of origin or integrating in the current location. The federal and republican governments have launched programmes, especially in Chechnya, to resolve the housing and livelihood problems. UNHCR, together with other members of the humanitarian community, will run projects to compliment the governmental efforts in 2009 and beyond."

Memorial, 26 May 2009:

"It is clear that the problem of getting accommodation remains among the most pressing ones for IDPs...Thus, in practice, with all the rapid restoration of housing and revival of Chechnya, thousands of people there still live without a home and without hope to get one in the foreseeable future. This problem will not be solved unless the Federal Government gets involved in the efforts to provide housing to residents of the Chechen Republic."

ECHO, 15 May 2009:

"Shelter

There are still approximately 20,000 houses remaining fully or partially war-damaged from the initial post-conflict estimate of 118,000."

UN, 1 May 2009:

"Since 2000, over 20,000 houses were built or repaired in Ingushetia and Chechnya by the humanitarian community including UNHCR, supported by extensive counselling activities implemented with NGO partners."

UN, 1 May 2008:

"What problems do Chechen residents face these days? They relate to contestation of housing, illegal acts by public officials, violation of rules and standards of living in temporary accommodation centres (TACs), and eviction from TACs due to compensation payment or TACs' liquidation, which has become a topical issue recently. Many are concerned about allocation of housing under social rent contracts..."

In December 2007, a survey of IDP families in temporary accommodation centres and compact settlements in Chechnya was conducted. The survey aimed to clarify the status of IDPs housing at their places of residence, ownership rights, the degree of damage and the availability of land plots, as well as to identify most vulnerable families with disabled family members, orphans and widows...

From 1 January to 30 September 2007, a Vesta construction unit delivered 297 box tents to Chechnya, which were later distributed among 249 families under the joint UNHCR project 'Provision of Box Tents to IDP Families Returning to Former Places of Residence in Chechnya'. The program implemented from 2003 to 30 September 2007 was instrumental in providing temporary shelter to IDP families returning to Chechnya from Ingushetia and Dagestan and those integrating in Ingushetia; in some cases, it also helped Chechnya residents solve their housing problems."

UN, 31 October 2008:

"The "turn-key" shelter programme in the Republic of Ingushetia has been completed and the housing objects formally handed over to the beneficiaries by the end of September 2008. The percentage of completion rate of the "self-help" shelter programme in the same republic adds up to 72% now. Meanwhile, in the Republic of Chechnya, the distribution of shelter materials to the total of 113 beneficiaries (29 objects) is ongoing and the project achieved 48% completion (last status of completion on 17 September 2008)."

Радио Свобода, 17 март 2008г.:

"- Сколько осталось людей, которые сейчас нуждаются в жилье и остаются в лагерях беженцев?

- Это порядка 22 тысяч человек. За них уже не платят за свет, за газ. Энергетики, газовики требуют свои деньги от беженцев, и они вынуждены скидываться и платить, чтобы их не отключали от света и газа."

УВКБ, 30 мая 2008г.:

"Выбор благополучателей для программ жилья на 2008 год завершен, при этом предпочтение отдано ВПЛ, проживающим в бывших ПВР в Чечне и временных поселениях в Ингушетии. Организации, занимающиеся вопросами жилья, планируют восстановить более чем 1 000 домов в отдаленных районах Чечни и построить более 150 новых домов в Ингушетии."

UNHCR ,17 October 2007:

"In the Russian republic of Ingushetia, UNHCR has long been implementing housing projects aimed at supporting durable solutions for displaced people in the region – especially those who have fled from Chechnya to the east. After Chechnya's second recent conflict broke out in 1999, tens of thousands of people fled to Ingushetia and many were housed in tented camps. These were dismantled in 2004 and those who had not returned home were moved to grim collective centres, which were only envisaged as being temporary.

People are also benefitting from housing help back in Chechnya. UNHCR's "Permanent Shelter" programme in the republic focuses largely on renovating badly damaged houses in urban and rural areas. More than 20,000 houses had been repaired by the end of last year."

Government continues to close IDP hostels in Grozny (2009)

- Government has been closing temporary accommodation centres in Chechnya since 2006
- In 2007 temporary accommodation centres were renamed "hostels"
- IDPs living in them lost their "forced migrant" status and are now "people in need of improved living conditions"
- Some have left the hostels, while others have been evicted

UNHCR, 20 August 2009:

"- 7 hostels (6 TACs and 1 TS) were closed in 2008; 313 families/1440 individuals were moved out hostels. Of them,304 families/1387 individuals were from TACs and 9 families/53 individuals were from TS. In 2009 1 family from Koltsova TAC with 1 family/7 individuals was closed. The family received apartment from the authorities in the Staropromuslovsky district of Grozny."

Memorial, 26 May 2009:

"The administration has been working to close down TAPs, following the instructions of the President of the Chechen Republic Ramzan Kadyrov, since May 2006. The Chechen authorities built their case for closing down TAPs around the "degrading influence on the Chechen culture" of the refugee community.

In pursuance of the Decree of the Government of the Chechen Republic No.387-r of October 17, 2007, TAPs were abolished and the burden of providing help to forced migrants in settling down was passed entirely to the Chechen authorities. The buildings and premises of temporary accommodation points got status of family hostels and the responsibility for their maintenance was transferred to the Government of the Chechen Republic. FMS (Federal Migration Service) of Russia ceased to be responsible for the supervision of the implementation of programs of housing and resettlement support for IDPs; management of hostels was transferred to the respective district administrations of the Chechen Republic. One might guess that the Federal Government also supported this decision, since it was relieved of the burden to maintain the TAP system and assist the people supported by it.

Starting from December 2007, the Chechen authorities intensified the large-scale process of shutting down hostels that previously had TAP status and moving their inhabitants, internally displaced persons, to the areas where they had lived before...After all the disbanding, shutting down and conversions of TAPs into hostels, all kinds of reshuffling of their inhabitants from one district to another it is difficult to say now how many hostels are left and how many residents they house. All IDPs are tired of roaming from one place to another, losing jobs, interfering with their children's studies at schools they have attended for long periods of time. They insist on getting a permanent place of residence, not a temporary home...

Appendix 7. Reply of the Prosecutor's Office of the Chechen Republic to the inquiry about violation of the rights of tenants of temporary accommodation points in the city of Grozny (18 April 2008)

Decree of the Chechen Government No. 181-r dated 21 April 2006 established a commission to enforce standards and rules of tenancy in temporary accommodation points. The commission adopted a decision to strike off the register those individuals who forfeited their status of internally displaced persons (at personal requests of internally displaced persons owning habitable housing; individuals whose houses had been rebuilt; and individuals provided with municipal housing).

In pursuance of Decree of the Chechen Government No. 387-r dated 17 October 2007, buildings previously earmarked to be used as temporary accommodation points were transferred from the operational management of the Office of the Russian Federal Migration Service for Chechnya to the management of administrations of Grozny Districts to be used as hostels...

Neither the district administration, nor the Federal Migration Service Office of the Russian Federation for the Chechen Republic have taken decisions on forced eviction of internally displaced persons from former temporary accommodation points and now hostels."

AI, 1 July 2009:

"Individuals internally displaced within Chechnya due to the conflict have been forcibly evicted from temporary accommodation centres and hostels without due process, and without secure prospects for adequate alternative accommodation..."

Over three days beginning 20 February 2009, on orders from the city administration, all the homes in KSM-1 were knocked down by bulldozers, despite the fact that people were still living in them. Among the inhabitants who protested against the destruction were Bislan Chimaev and Vakhid Suipov, but they were removed by police. Two families – those of Roza Khamzaeva and Fatima Gazhaeva – were placed in two rooms in a small house in a Temporary Accommodation Centre (PVR)22 on Okruzhnaya St., Grozny. The small houses in this PVR are made of boards and over several years have become uninhabitable: the roofs leak and there are large cracks in the wall...

On 15 February 2009, the mayor of Grozny, Muslim Khuchiev, visited the informal settlement KSM-1, nicknamed "Shanghai", in Grozny and told the 11 remaining families living there that, in accordance with an order from the President of Chechnya, they had three days to leave the area. The families were told their houses would be torn down to make way for an industrial zone..

In 2007, city authorities had claimed the families were living on the land illegally, in unsanitary conditions. However, the families in question had never had proper housing, and lived in what they had built themselves during the two wars. In April 2007 the authorities had tried to break up the settlement, but after an intervention by human rights groups, the authorities gave allotments to the families, including in the settlement called Andreevskaya Dolina."

UNHCR, 17 April 2008:

"Housing is a major problem for IDPs in Chechnya. The temporary shelters for IDPs are in the process of closure despite Chechen government's Instruction 387 (17 October 2007) which stipulates that IDPs are allowed to stay in the former temporary accommodation centres if they pay for utilities. The Chechen authorities have taken some measures to provide the residents with alternative shelters, but it is unclear if such initiatives can cover all the people in need. The contested ownership of apartments provided by the government is a rising issue as well."

UN OCHA, 12 December 2006:

"In Chechnya [in 2006] the government took measures to close Temporary Accommodation Centers (TACs) hosting IDPs, and to facilitate the return of IDPs to their places of origin. A special commission was established to verify physical presence in TACs and the condition of IDPs' former housing, and thus to identify IDPs no longer in need of state assistance. As a result, the Migration Services de-registered IDPs who had habitable accommodation. The initial implementation of this plan was imperfect. The checks on the condition of houses were not accurate, and the wishes of IDPs unwilling to return to their native villages were disregarded. These shortcomings were rectified, and the residents of the second group of TACs that were closed were provided with alternative shelter in other temporary accommodations. The closure of TACs was put on hold in July when it became apparent that the plan to close the TACs left insufficient accommodation facilities for IDPs returning from Ingushetia. New Temporary Settlements were opened for the returnees, but mostly to serve as food distribution points for IDPs residing in private dwellings. By Fall, 26 TACs were left in Chechnya, hosting around 30,000 IDPs, and 23 TSs served around 17,000 IDPs."

Мемориал, 20 ноября 2008г.:

"В частности, жителям ПВРов были предложено по 18 000 рублей на семью, для съема жилья на полгода. Такой вариант большинство семей не устраивал, так как он мог решить вопрос обустройства лишь на короткий промежуток времени. К тому же многие не могли найти сдающееся в аренду жилье ввиду его дефицита, или оно было слишком дорогим, что сокращало возможный срок проживания. Люди, уставшие от многочисленных практически насильственных перемещений, требовали долгосрочного решения своей жилищной проблемы. В ответ на это требование республиканские власти стали выдавать формальные гарантийные письма, в которых принимали обязательство предоставить жилье выселяемым из общежитий семьям в первоочередном порядке. Но, когда выделенная сумма денег закончилась, многим семьям пришлось оплачивать жилье самим или ютиться у своих родственников и знакомых. Именно этой ситуации они опасались."

Кавказский Узел, 9 октября 2008г.:

"Из бывшего МКП (место компактного размещения) вынужденных переселенцев в Ленинском районе Грозного выселены семь семей. У выселенных людей нет ни собственного жилья, ни возможности арендовать помещение для проживания..."

В аналогичной ситуации продолжают находиться и 26 семей вынужденных переселенцев, проживающих в так называемом "общежитии для лиц, нуждающихся в улучшении жилищных условий", расположенном в Старопромысловском районе города Грозного. Местные власти требуют от людей немедленно освободить занимаемые ими помещения в здании по улице Кольцова, принадлежащем министерству здравоохранения республики и в котором уже начат ремонт. Здесь в скором времени планируется открыть детскую поликлинику."

Мемориал, 6 июль 2008г.:

"ГЦ «Мемориал» уже обращал внимание на положении наиболее уязвимой части населения Чечни, пострадавшей в период военных действий – внутриперемещенных лиц (ВПЛ), проживавших в пунктах временного размещения (ПВР). В 2007 г. их численность, по ориентировочным данным, достигала 10 тыс. чел. Работа по закрытию ПВР проводилась администрацией республики с мая 2006 г. по поручению Президента ЧР. Основным аргумент в пользу закрытия ПВР: беженская среда-де оказывает «деградирующее влияние на чеченскую культуру». С середины марта 2008 г. ПВРы переименованы в общежития, а ВПЛ стали именоваться «лицами, нуждающимися в улучшении жилищных условий». А беженцев в Чечне больше не осталось."

Реального положения дел это не изменило: общежития теперь ликвидируют столь же энергично, как прежде ПВРы. Выселяемым на «добровольно-принудительной» основе, - всем им приходилось писать заявления о добровольном снятии с учета по форме №7, влекущие за собой выселение из ПВР, - либо предлагают обстроиться по месту постоянной регистрации (если у администрации есть сведения, что они имеют там жилье). либо предоставляют земельные участки под застройку; либо выделяют квартиры; либо, наконец, предлагают просто освободить жилплощадь, взамен получив 18 тыс. руб. для аренды квартиры на полг.. Выделение этих денег началось после того, как на бедственное положение выселяемых обратили внимание правозащитники."

УВКБ, 29 февраля 2008г.:

"В Чечне местная администрация продолжила процесс закрытия бывших ПВР. В феврале 2008 года были закрыты два бывших ПВР; остается еще 17 ПВР, включая 5, которые находятся на стадии закрытия. Подобная ситуация наблюдалась в трех из пяти временных поселений.

Закрытие ПВР противоречит Инструкции № 387 от 17 октября 2007 года, подписанной Председателем Правительства Чеченской Республики. Согласно этой инструкции, ПВР должны изменить свой статус на общежитие, а ВПЛ могут остаться в них в качестве обычных граждан, при условии, что они будут оплачивать коммунальные услуги. Однако, по данным властей г.Грозный, в конечном счете, только 3-4 ПВР остались функционировать в качестве общежитий."

УВКБ, 31 марта 2008г.:

"Местная администрация продолжила процесс закрытия бывших ПВР. В марте 2008 года были закрыты один бывший ПВР и одно временное поселение. На конец марта остаются еще 16 ПВР (3 из них находятся на стадии закрытия) и 4 временных поселения (3 из них на стадии закрытия). Не было каких-либо сообщений об оказании давления на жителей с сельской пропиской, не имеющих альтернативного жилья после закрытия центров. Людей переместили в оставшиеся центры."

УВКБ, 30 мая 2008г.:

"Ситуация в бывших ПВР и временных поселениях оставалась относительно спокойной. Ни один из центров / поселений не был закрыт в течение мая месяца. Однако в ПВР по ул. Дёповская, 76 в Гудермесе и во временных поселениях Сабила, Милана и Архистрой в Грозном начался активный процесс закрытия пунктов. Пока ВПЛ, проживающие в этих пунктах, не получили какого-либо альтернативного жилья."

Number of hostels remaining in Chechnya (2009)

- In fall 2009, 17 hostels were operational and housed about 9,000 people
- According to Memorial, there is no official data on remaining hostels
- Hostels are crowded without safe water or sanitation

UNHCR, 20 August 2009:

"A total of 17 hostels are operational today in Chechnya. This includes: fourteen (14) Temporary accommodation centers (TACs) and three (3) Temporary settlements (TSs); UNHCR estimates the population of hostels and temporary settlements is 994 families/4637 individuals. Of them, 950 families/4445 individuals are residing in the TACs and 44 families/192 individuals in the TSs."

Government of the Russian Federation, 20 December 2007:

"As at 25 June 2007, the number of internally displaced persons living in temporary accommodation in the territory of the Russian Federation amounted to 38,615, or 6,958 families. Of these, 34,855 (6,270 families) were in the territory of the Chechen Republic, 19,189 (3,587 families) in 22 temporary accommodation centres and 15,666 (2,683 families) in 12 ethnic communities, while in the Republic of Ingushetia there were 3,760 (688 families), living in 25 ethnic communities. All the temporary accommodation centres are equipped for habitation, provided with electricity, gas, imported water supplies and heating systems. Internally displaced persons have access to the services of health-care institutions. With a view to improving conditions for their educational and cultural development and organizing leisure activities for the children, the Federal Migration Service of the Russian Federation and the Government of the Chechen Republic have jointly set up computer classes, sports halls, library rooms and psychological rehabilitation centres for children in a number of the temporary accommodation centres."

ECHO, 15 May 2009:

"Living conditions of the TACs (temporary accommodations centres), now called hostels, have been slightly improved with cosmetic rehabilitation works but are still crowded places with no safe water and lack of sanitation."

Мемориал, 7 апрель 2008г.:

"Значительная часть жилого фонд ЧР была уничтожена в ходе военных действий. В настоящее время власти ЧР еще не в состоянии обеспечить собственным жильем всех нуждающихся....В заключение надо отметить, что после всех расформирований, ликвидаций и преобразований в общежития и ПВРах, после всевозможных перетасовок их жителей по районам, трудно сказать, сколько на сегодня сохранено общежитий и какова численность их жителей. Официальных данных такого рода нет, а жилищные проблемы ВПЛ сохраняются."

Housing options for those leaving hostels in Chechnya (2009)

- People leaving the hostels were offered accommodation in other hostels, new housing or abandoned apartments, land plots, \$700 (18,000 roubles) to rent temporary accommodation, and letters of guarantee for a priority place on the list of those in need of housing
- Private sector accommodation was offered to IDPs with residence registration in Grozny and land plots were offered mainly to those who had previously lived in villages
- However, it is not clear which criteria were used to offer other types of housing, or if these criteria were being applied consistently
- Young people with their own families who have never had property now urgently need shelter
- Those who accept new housing must renounce rights to former housing

Memorial, 26 May 2009:

"The Chechen authorities have been taking certain steps to help IDPs to settle down. IDPs receive apartments from municipal housing stocks. In the town of Argun, the Chechen Government allocated 100 apartments. In addition, heads of five district administrations in the city of Grozny pledged to allocate 100 apartments each from their respective housing stocks.

At the same time, it is clear that the housing that is being restored and allocated is not enough to satisfy the needs of all homeless citizens of the Chechen Republic who need homes. Flows of people move into the reception offices of public organizations on a daily basis, asking for help at least with getting temporary accommodation. There are families, which need particular care and

attention, since they belong to vulnerable groups. Their insecure situation affects them even more than others. However, their problems do not get adequate attention...

A total of 67 apartments have been allocated to internally displaced persons, residents of Grozny's Zavodskoy District since the beginning of operation of the temporary accommodation points. [From April 2008 to] 1 September 2006, a total of 126 families (604 persons) have been resettled from former temporary accommodation points and provided with rented apartments, with the rental fees paid for six months in advance. The Grozny administration guarantees that all resettled families will have been provided with separate housing by the time the above-mentioned period expires.

A total of 114 families from Grozny's Leninsky District, lacking housing, have been put on the list of those in need of better living conditions.

...the main role in addressing the issue of resettlement and helping TAP inhabitants to settle down was assigned by the government to municipal and district administrations. However, for too many local administrations this was a burden they could not bear; this task was particularly challenging for rural ones, which did not have adequate resources and opportunities to help the returning citizens to settle down. Despite the above factors, the vigorous efforts to resettle hostel residents were launched and pursued during the winter period."

ODI, 28 February 2009:

"Documents required to [access list of those in need of housing in Chechnya]:

Internal passport, permanent resident registration, passport copies for all family members, birth certificates for all children, marriage certificate, copy of insurance pension certificate, copy of disability reference; document outlining number and profile of family members, Social Welfare Centre document outlining social conditions, copy of a document confirming property (housing) ownership; reference from Housing Technical Board."

Правительство РФ, 31 декабря 2008г.:

"В ходе осуществления надзорной деятельности органами прокуратуры Российской Федерации фактов принудительного закрытия пунктов временного размещения ВПЛ без предоставления им альтернативного жилья не выявлено."

Кавказский Узел, 26 августа 2008г.:

"В столице Чечни городе Грозном владельцами новых квартир стали 173 жителя бывших пунктов временного размещения (ПВР). 25 августа они получили жилье в двух новостройках – девяти- и семиэтажном домах по бульвару Дудаева в Грозном..."

В новых двух домах всего 173 квартиры, из них однокомнатных – 18, двухкомнатных – 73, трехкомнатных – 52, четырехкомнатных – 30 квартир. Общая жилищная площадь превышает 25 тысяч квадратных метров.

Отметим, что раньше в этом же строящемся микрорайоне, в соседнем квартале, получили квартиры около сотни человек. Недавно был заселен еще один дом по улице Первомайской. Здесь жилье получили 108 человек.

Чуть ранее в мэрии Грозного сообщили, что вопрос обеспечения жильем жителей бывших пунктов временного размещения, чьи дома и квартиры разрушены на сто процентов, закрыт. Таковых семей в Грозном насчитывалось около четырехсот. Сегодня все они являются владельцами квартир по бульвару Дудаева, улице Первомайской и др...

Отметим, что за 2007 год были расформированы 17 ПВРов, в которых жили 4 445 семей. Только на начало этого года выделено 530 квартир тем, кто полностью потерял жилье, 680 семей получили деньги на съем квартир.

По состоянию на 1 января прошлого года на территории Грозного в ПВРах проживало 4445 семей, или 24 796 человек. С прошлого же года и была начата работа по расселению наиболее нуждающихся жителей этих пунктов. В то же время следует отметить, что параллельно с выделением жилья этой категории граждан выделялись и земельные участки для строительства индивидуального жилья. Их выдано уже несколько сот."

Prague Watchdog, 24 January 2008:

"The issue of the closure of TACs in the Chechen Republic is a recurring problem. The authorities have promised that none of the IDPs will be left without a roof over their heads, and that each family will either be provided with housing from municipal funds or be given land on which to build a property. However, the reality is somewhat different.

A few weeks ago, the closure began of a TAC located in the suburb of Chernorechye in Grozny's Zavodskoy district. Migration and local authority officials ordered people to vacate the premises at very short notice. Each family was granted 18,000 roubles for rented accommodation over a period of six months, as well as certificates entitling them to preferential municipal housing. Many IDPs believe that actions of this kind amount to common deception...

Meanwhile the authorities claim that the problem of internally displaced persons in Chechnya is being dealt with quite successfully. "There are currently 12 TACs operating in Grozny. They are home to just over 1,000 families. Last year there were 21 TACs in the city, housing 4,445 families. In the space of only one year we've been able to resettle more than 3,000 families. Some of them received accommodation from the 'refused housing fund' [flats that have been transferred to the state by their original tenants, who typically left Chechnya], and others are being given the opportunity to rent an apartment," the mayor's office in Grozny says.

According to some reports, it is planned to close the several large TACs still remaining in Grozny in the spring of this year. Where the authorities intend to resettle the families who live there, while the problem of IDPs living in TACs that have been officially closed has not yet been resolved, is unknown."

Кавказский Узел, 9 июля 2008 г.:

"...по словам сотрудника администрации города Грозного, все бывшие вынужденные переселенцы, проживающие в столице Чечни Грозном, до конца года получают жилье. В настоящее время, по его словам, в списках на первоочередное получение муниципального жилья состоит 678 человек.

С недавнего времени в Чечне пункты временного размещения (ПВР) вынужденных переселенцев называют "общежитиями для лиц, нуждающихся в улучшении жилищных условий".

"Те жильцы семейных общежитий, которые ранее имели в Грозном жилье, разрушенное в ходе боевых действий, будут обеспечиваться квартирами в первую очередь. До конца года планируется обеспечить их квартирами из фонда муниципального жилья", - сказал собеседник.

В конце мая по распоряжению президента Чечни городские власти выделили квартиры в центре Грозного 100 семьям бывших вынужденных переселенцев. Как сообщил мэр города Грозного Муслим Хучиев, за 2007 год были расформированы 17 ПВРов, в которых жили 4 445 семей."

ACCORD, 30 April 2008:

"The primary objective of the government is to get people out of the temporary accommodations and back to their home districts...Thereafter, a shelter programme was introduced and in the current construction programmes. The main concern now is the reconstruction of public apartment buildings for the population.

In Chechnya, 20,000 houses have been built or re-built, most of them in Grozny and in villages within 50 km from Grozny, and along the main roads, which have been repaired as well. In the centre of Grozny the housing standard is rapidly changing for the better, while in the outer areas it is still bad, with more destroyed houses, no garbage disposals and no proper sewer systems. At the country side, however, houses are generally still damaged, roads are mere tracks with potholes and war damages, and there are no power lines or gas lines.

The beneficiary criteria for these newly built apartments are not entirely clear while there are legal regulations on the beneficiary selection of the governmental shelter programme. However, roughly speaking the beneficiary will be selected on the degree of damage to accommodation, on vulnerability and on regional provenance. For example, people from remote, still damaged districts, who have not received compensation payments from the government, are likely to get access to temporary shelter.

A big problem for the authorities is so-called 'newly created families'. Young people who were living with their families at the wake of war and have never had property now have their own families and urgently need shelter."

УВКБ, 29 февраля 2008г.:

"По просьбе ингушских и чеченских властей жилищные программы в 2008 году будут направлены на решение проблем внутриперемещенных лиц, проживающих в бывших ПВР в Чечне и временных поселениях в Ингушетии. В настоящее время идет процесс установления, проверки и отбора семей ВПЛ для получения жилья в рамках жилищной программы. Данная деятельность охватывает две республики - Ингушетию и Чечню. Программа жилья служит дополнением программ Правительства Чечни, согласно которым власти предоставляют отремонтированные квартиры молодым семьям."

УВКБ, 30 мая 2008г.:

"УВКБ ООН получило информацию, что правительство предоставило восстановленное здание, 117 квартир, уязвимым семьям. При проверке было выяснено, что 23 семьи из числа благополучателей являются бывшими жителями ПВР и многие из них имели на руках 'Гарантийные письма'. Все те, кто получил квартиры, подписали заявления, что откажутся от своего прежнего разрушенного жилья в обмен на новую квартиру."

Problems with housing offered to those leaving hostels in Chechnya (2009)

- Some IDPs claim they were forcibly evicted from temporary accommodation centres
- Many IDPs were given short notice to vacate temporary accommodation centres
- Some IDPs were given apartments that others claimed ownership to
- Others were told to return to their former place of residence, but their housing was destroyed
- Not clear if the housing needs of all IDPs are covered
- Without forced migrant status, IDPs lose access to government assistance
- Government tried to solve cases where IDPs were given inadequate accommodation

CoE, 29 September 2009:

24. The situation of displaced persons and refugees in Chechnya is still uncertain, especially as this category of the population no longer officially exists since the temporary accommodation centres in which they were housed were all closed at the end of 2007 or the beginning of 2008. Any centres which are still open are illegal and their occupants are exposed to all sorts of exactions on the part of the authorities and the owners of the buildings, who sometimes use violent means to evict refugees. At the end of 2007 many refugees were given assurances by the authorities that they would be provided with housing, and were sent official "letters of guarantee". However, today, the local authorities no longer accept that these documents are legally binding and entire families of displaced persons and refugees are left to their own devices, meaning that they must try to find housing at their own cost or with friends or family.

Memorial, 26 May 2009:

"The review of numerous complaints and applications, as well as findings of on-site monitoring suggested that in the process of disbanding temporary accommodation points the rights of their inhabitants were grossly violated. "Voluntary" applications by IDPs to get struck off the registers for Form 7 were mostly completed under crude pressure.

People who were moved out into the unknown were handed out 18,000 rubles to rent housing for six months and a letter of guarantee signed by the head of the commission for resettlement of forced migrants Bakharchiyev, confirming the fact that the specified category of citizens is entitled to priority in getting housing. At the same time, the letters of guarantee did not specify the period within which the individuals evicted from former TAP were to be provided with housing. The question of where one can rent housing in the areas of previous residence if the housing stock has not been restored there yet was left unanswered. Besides, it is impossible to rent housing for a family for 3,000 rubles per month...

There were reports of people moved out of hostel rooms by force, with their belongings thrown out, and sometimes scuffles ensued. Many persons, especially women, had to put their signatures on the applications prepared in advance by local administration officials to avoid conflicts between their men and armed people. In this way the authorities managed to significantly reduce the number IDPs for whom they were responsible. Some of the IDPs who held out against arbitrariness have been simply struck off the registers by completing certificates of the above-mentioned Commission. It should be noted that the decree of the Chechen Government to establish the Commission does not detail either its powers, or the way its decisions are to be documented, or the guidelines it should follow when inspecting TAPs. Therefore, its actions were in conflict with the provisions of the Housing Code of the Russian Federation, which allow eviction of citizens from residential housing only in a judicial procedure. And even a letter of guarantee is not a safeguard against ending up on the street...

Another big problem is that some families, which have grown over the years of roaming, can no longer live together. In peaceful times, they would have built or bought housing for young families starting to live separately; but for many years they were deprived of this opportunity. Now they have to be content with the miserable amount of compensation for an entire big family or restore a home where they can no longer live in together.

Left without assistance are the families that had rented housing or lived in a hostel, waiting for their turn to receive apartments from their employers. Now it appears that the state has no obligations to them. During the hostilities, the situation of these categories of IDPs was in no way different from that of the others. Now they are virtually evicted into the street. Since local district authorities are not responsible for them because they don't have permanent residence registration anywhere, this responsibility should be picked up by the Federal Government, namely

the RF Federal Migration Service, as a body tasked with addressing the problems of IDPs. However, we do not see it happening."

Apartment ownership contested

AI, 1 July 2009:

"In April 2008, an Amnesty International representative met Uvais Tovsultanov, who had lived with his family in a tent camp for internally displaced persons in Ingushetia during the first years of the second Chechen conflict. When the tent camp was closed, he and his family moved to live in a temporary accommodation centre at 28, Chaikovskaya St., in Grozny. On 24 December 2007 officials from Leninskii district visited the centre and summoned all those registered in that district, including Uvais Tovsultanov, to tell them they would have to move to the temporary accommodation centre on Boulevard Dudaeva. The conditions there, with an outdoor toilet and no running water inside the centre, were unsuitable for Uvais Tovsultanov, as he is paralysed on his left side as a result of a shrapnel injury during the first Chechen war, which he reportedly received when he was driving civilians to safety during a bombardment.

Uvais Tovsultanov was told by the Leninskii district administration he could move his family to a flat at 18, Diakova St., on the sixth floor. The flat was in extremely poor condition, but Uvais Tovsultanov moved his family in. They found furniture and started repair work, with the assistance of the authorities, to make it habitable. However after one and a half months, a man visited the flat claiming it was his. The Leninskii district administration confirmed in March 2008 that the flat belonged to someone else, and offered Uvais Tovsultanov a second flat, at 6, Dudaeva St. The family moved to this flat, despite the fact that it was in such poor condition it was barely habitable.

However, after one week it transpired that this flat also belonged to someone else. When Amnesty

International met Uvais Tovsultanov in April 2008, he reported that the local authorities had told him they had no duty to find him a flat at all, as he was registered at his parents' home. Uvais Tovsultanov told Amnesty International that his parents' home was uninhabitable due to war damage, and they had received no compensation from the authorities for the damage...

One person (Dadaev Sup'yan) moved into an apartment in which there was no water, sanitary plumbing, or covering on the concrete floor. When some of the apartments in Chernoreche became more-or-less habitable, their real owners turned up. Some of these had renewed old documents showing a right to occupancy, but in the case of Markhi Akhmedova, another family received such documents after her. According to reports, at least five families received documentation showing right of occupancy of apartments that already belonged to someone else in this way."

Memorial, 26 May 2009:

"There are lots of examples when the same apartment is claimed by several families. Sometimes there are three or more of them: the old dwellers, the new ones, and those who paid a bribe to move in. The latter are ready to defend their right, quite literally, with weapons in their hands; people do not dare to move in to such apartments for fear of their lives. The construction of some of the buildings opened today was started back in the Soviet times. It turns out that there are citizens who have documents for that housing issued to them back then. When IDPs try to move in conflict situations abound.

Those who receive apartments from the so-called "abandoned housing stock" are also faced with a similar problem. Despite the fact that they have the necessary documents on hand, they often have to go through a long court process to defend their right to the housing. And the other party in the process is the property owner who bought it from Russian residents fleeing Grozny during the early 1990s. It makes no sense to try to pin the blame on anybody in such situations.

Apartments were sold for a song – just so that to get enough money to pay travel expenses, without proper documentation; therefore, many of the apartment owners who left Grozny considered themselves entitled to compensation under the Regulation of the RF Government No. 510 of April 30, 1997 for the apartments they had sold. The apartments for which such compensation was granted are included into the state housing stock, the so-called “abandoned housing stock”. According to official data, there are more than 5,800 apartments registered in the abandoned housing stock.

Thus, as a result of rushed settlement of the problem of resettling hostel residents, another group of victims has emerged – property owners evicted from the housing they have purchased without proper documentation. They are angry at the authorities for giving preference to residents of hostels and jeopardizing rights of those who have settled down during the war using their own resources. The massive seizure of “abandoned” apartments creates an acute conflict situation around the resettlement of hostel dwellers and leads to an increase in social tensions."

ACCORD, 30 April 2008:

"There has often been contested ownership over destroyed properties and there are reports of corruption."

Prague Watchdog, 24 January 2008:

"[...] "I know several families who were living in TACs and were then given apartments in Grozny. After a while people appeared who had all the legal deeds to the apartments , and the IDPs were left with nothing. I won't mention their names, so that people don't have problems later on. They're now trying to provide them with new housing, " says a member of a local human rights organization.

"Nearly everything here is done Chernomyrdin-style (Chernomyrdin was Russia's prime minister under President Yeltsin). You remember his famous 'We hoped for the best, but it turned out like always?' It's the same here. Our authorities may be hoping for the best, but it's turning out like it usually does – i.e. not in the interests of people who're disadvantaged," he says.

Meanwhile the authorities claim that the problem of internally displaced persons in Chechnya is being dealt with quite successfully. "There are currently 12 TACs operating in Grozny. They are home to just over 1,000 families. Last year there were 21 TACs in the city, housing 4,445 families. In the space of only one year we've been able to resettle more than 3,000 families. Some of them received accommodation from the 'refused housing fund' [flats that have been transferred to the state by their original tenants, who typically left Chechnya], and others are being given the opportunity to rent an apartment," the mayor's office in Grozny says."

Evictions from temporary accommodation on short notice, at times with force

Кавказский Узел, 8 апреля 2008 г.:

"Работа по перемещению жильцов общежитий, как и предыдущие кампании по ликвидации ПВР, имела авральную форму. Работники администраций и сотрудники милиции устанавливали людям короткие сроки на освобождение занимаемых комнат. Способы воздействия варьировались от обещаний и уговоров до шантажа и угроз, говорят активисты правозащитного движения.

Кавказский Узел, 26 декабря 2007 г.:

"Внутриперемещенные лица на территории Чечни, проживающие в ПВР (пункте временного размещения) сообщают, что три дня с 23 декабря по 25 декабря 2007 года идет насильственное выселение людей из ПВР в поселке Мичурина.

Как сообщает "Чеченский Комитет Национального Спасения" со ссылкой на беженцев, 23 декабря 2007 года в ПВР по улице Поняткова 11 в поселке Мичурина Октябрьского района столицы Чечни прибыли главы местных администраций и другие чиновники с многочисленной охраной и вооруженными людьми в камуфлированной одежде. Они потребовали от вынужденных переселенцев покинуть ПВР. Немногим жителям, получившим жилье, предложили немедленно переселиться туда.

Затем вооруженные люди стали насильно погружать людей вместе с имуществом в грузовые машины "Камаз". Подобное же выселение было продолжено на второй и третий день. Согласно словам очевидцев, "подавленные безысходностью люди проявляли уже меньше сопротивления".

Всего в ПВР проживало около 800 человек. Только некоторые из них ожидают предоставления жилплощади. Большинству же некуда идти.

Источник сообщает, что людей с ПВР переселяют в другие ПВР, где им просто не находится места. Многие поэтому были вынуждены ночевать в коридорах ПВР, куда они были доставлены. Некоторые остановились у своих родственников.

Этот же источник сообщает, что прибывшими вооруженными людьми был избит один житель ПВР. Как ранее сообщал "Кавказский узел", в конце ноября в ПВР, расположенном в поселке Мичурина отключили тепло и электроснабжение. От вынужденных первенцев требуют освободить занимаемые помещения на том основании, что на территории ПВР будет строиться онкологический центр."

Housing needs of all IDPs not covered

Кавказский Узел, 8 апреля 2008 г.:

"Правозащитники убеждены, однако, что восстанавливаемого и выделяемого жилья недостаточно для всех нуждающихся в нем бездомных жителей ЧР. В приемные общественных организаций ежедневно стекаются потоки людей с просьбой оказать им помощь, по крайней мере, во временном обустройстве.

Активизация процесса закрытия общежитий, в которые были преобразованы ПВРы, вызвала еще одну волну коллективных и индивидуальных заявлений в ПЦ "Мемориал". После протестов жильцов общежитий, вмешательства правозащитных организаций и предания ситуации гласности власти ЧР предприняли определенные шаги для жилищного обустройства особо нуждающихся. В частности, были предложены 18 000 рублей на семью для съема жилья на полгода. Такой вариант большинство семей не устраивал, так как он мог решить вопрос обустройства лишь на короткий промежуток времени.

По заявлению жителей общежития - бывшего ПВР (г. Грозный, Старопромысловский район, городок Маяковского) - ПЦ "Мемориал" направил в прокуратуру Старопромысловского района запрос о незаконных действиях со стороны работников администрации:

"15 января 2008 года жителям ПВРа, заместителем главы администрации Старопромысловского района г. Грозный Берсановым А. было объявлено, что получен приказ об освобождении общежития. Тем, кто добровольно освободит комнаты, обещалась денежная выплата в размере 18 000 рублей для аренды жилья на шесть месяцев. В это же время комендант общежития М. Идигова озвучила приказ об освобождении комнат до 20 января 2008 года. Иначе, сказала она, их выселят насильно".

Прокуратура Старопромысловского района в настоящее время проводит дополнительную проверку вышеизложенного случая.

22 февраля 2008 года состоялась встреча Президента ЧР Рамзана Кадырова с представителями ПЦ "Мемориал", на которой обсуждалась, в числе других вопросов, проблема ВПЛ. В результате Президент ЧР поручил главе администрации Грозного

М.Хучиеву проверить совместно с сотрудницей ПЦ "Мемориал" Н.Эстемировой всю информацию о случаях нарушения прав внутриперемещенных лиц (в том числе и при их расселении из ПВР), и, если эта информация соответствует действительности, то исправить ситуацию. Начало проверке было положено в тот же вечер.

Таким образом, на практике при всем стремительном восстановлении жилого массива и возрождении Чечни тысячи людей остаются без жилья и надежды на его получение в обозримом будущем. Без участия федеральной власти в жилищном обеспечении жителей Чеченской Республики эта проблема решена не будет."

IDPs pressured to sign form taking away government assistance

Кавказский Узел, 8 апреля 2008 г.:

"В Чечне при ликвидации пунктов временного размещения грубо нарушаются права граждан. Об этом сообщает Правозащитный центр "Мемориал". Анализ многочисленных жалоб, заявлений, проведенный ПЦ "Мемориал", а также результат мониторинга на местах показывал, что в процессе расформирования ПВРов грубо нарушались права внутриперемещенных лиц (ВПЛ). Внутриперемещенные лица, в большинстве своем, писали "добровольные" заявления о снятии с учета по форме №7 ВПЛ под влиянием грубого давления. Были зафиксированы случаи, когда людей насильно выселяли из комнат общежитий, выкидывая вещи, а иногда дело доходило до рукоприкладства. Многие, особенно женщины, были вынуждены ставить свою подпись под подготовленными работниками администраций заявлениями во избежание инцидентов между мужчинами своей семьи и выселяющими их вооруженными людьми.

По словам правозащитников, так властям удалось существенно сократить число ВПЛ. Часть ВПЛ, выстоявших в борьбе против произвола, просто сняли с учета по акту Комиссии по соблюдению норм и правил проживания в ПВРах (далее - Комиссия). "Мемориал" отмечает, что в распоряжении Правительства ЧР о создании Комиссии не были прописаны ни ее полномочия, ни способ оформления принимаемых ею решений, ни нормы, которыми она должна была руководствоваться в ходе проверки ПВРов. Поэтому ее действия нарушали положения Жилищного Кодекса РФ, которые допускают выселение граждан из жилых помещений только в судебном порядке. Обращаться за защитой своих прав в правоохранительные органы люди отказывались, считая это бессмысленной тратой времени [...]"

Loss of forced migrant status deprives IDPs of government assistance

Кавказский Узел, 8 апреля 2008 г.:

"Изменение статуса вынужденных переселенцев на "лиц, нуждающихся в улучшении жилищных условий" может создать для них и другие проблемы. "К примеру, теперь их могут лишить гуманитарной помощи. Или же их могут выселить из занимаемых ими помещений по различным причинам чисто формального характера", - заявил сотрудник одной из местных неправительственных организаций в беседе с корреспондентом "Кавказского узла"."

Housing of IDPs from mountainous areas in Chechnya (2007)

- According to a Memorial survey, 58 of 105 IDP families from mountainous villages have their own housing, while others live with relatives or acquaintances, rent or spend the night at the homes of various local residents

- Some families pay 500 roubles a month to rent a house while others pay 1000, 1500 and 2000 roubles
- Some local residents gave IDPs housing for free out of sympathy for their situation, but only for a short time
- IDPs who own homes managed to do so in various ways, including by receiving government compensation for lost property and housing, selling cattle, taking a loan, inheriting a land plot and then building with the help of family members and neighbours
- Other IDPs have half-built houses since the compensation they received was not enough to build an entire house and they lack funds to continue building
- One cow gives from 15,000 to 20,000 roubles and land plots cost 25,000 to 100,000 roubles

Updated information on this topic could not be found among the sources consulted.

Memorial and Civic Assistance Committee, 13 March 2007:

"«Живут в чужом доме». Эта фраза часто звучала в разговорах коллег из «Мемориала» и наших помощников из числа беженцев как очевидный признак неблагополучия. Для большей части опрошенных этот уровень неблагополучия уже остался в прошлом: 58 семей из 105 имеют на равнине свое жилье. Остальные 47 распределились так: 19 семей живут в домах родственников (в том числе одна семья – в купленном родственниками железном вагончике, непригодном для проживания), 7 семей – у знакомых и малознакомых местных жителей, 18 снимают жилье, двум семьям жилье предоставлено местными жителями на условиях последующего выкупа, одна семья никакого жилья не имеет - ночует то у одних, то у других местных жителей.

Стоимость аренды жилья по московским меркам – ничтожная: из 9 человек, назвавших стоимость аренды, 3 семьи платят за дом 500 р. в месяц, 4 семьи – по 1000 р., одна – 1500 рублей и еще одна – 2000 р. Однако, в условиях, когда регулярные денежные доходы в лучшем случае сводятся к пенсии в размере 2000-3000 рублей, или к пособию по безработице в размере 700 рублей, а иногда и вовсе отсутствуют, ежемесячная выплата даже такой арендной платы за жилье может представлять определенную проблему.

Одна семья снимает за 500 рублей двухкомнатный облицованный кирпичом саманный дом в с. Иласхан-Юрт, другая - часть большого кирпичного полуразрушенного дома в п. Ойсхара, а третья - бетонный цокольный этаж из 2 комнат в пос. В.Нойбера.

За 1000 рублей снимают и хороший кирпичный дом в п. Ойсхара, и маленький саманный домик с окнами, затянутыми вместо стекла пленкой, в том же поселке, и крохотный деревянный домик в Гудермесе. За 2000 р. семья из 13 человек снимает трехкомнатный кирпичный дом в с. Н.Нойбера.

Совершенно очевидно, что разница в стоимости аренды определяется не только местонахождением и качеством жилья, но и наличием каких-либо неделовых отношений между хозяином и нанимателем - знакомства или едва прослеживаемого родства: в таких случаях сдают, конечно, дешевле, не увеличивают плату, снисходительно относятся к просрочке платежей. Некоторым беженцам местные жители (не родственники и не знакомые) предоставили жилье бесплатно – просто из сочувствия к их положению.

Однако многие из тех, кто живет в чужом доме бесплатно, все же находятся в напряжении - либо из-за необходимости в скором времени освободить жилье, на использование которого у хозяев есть другие планы, либо из-за того, что чувствуют неудобство, стесняя хозяев или вынужденно нарушая традиции. В одной из семей я почти физически ощутила, какое постоянное смущение (до страдания) испытывает глава семьи - человек с развитым

чувством собственного достоинства – из-за того, что вынужден жить в доме у родственников жены. Поэтому для всех, кто живет в чужих домах, включая вдов с несколькими детьми на руках, главная забота - построить свой дом.

Каким образом реализуют это стремление беженцы, чьи материальные возможности должны быть, по характеру их положения, крайне скудны? Думаю, что читатель, как сначала и мы, с некоторым недоумением узнал о том, что большинство беженцев из горных сел проживает в своих домах. Что же это за беженцы? И действительно ли они бедны, если оказались в состоянии построить себе дома?

Один беженец в селении Добыча (п. Ойсхара), на мой вопрос, как же он смог построить дом, не имея регулярных денежных доходов, ответил, что дом обошелся ему почти бесплатно: он продал свой скот (двух коров и быка) и на вырученные деньги построил саманный дом с помощью пятерых братьев (40). Думаю, что этот ответ можно рассматривать как своего рода формулу строительства чеченского саманного дома, хотя в ней и отсутствуют некоторые элементы. Но сначала о том, что в ней есть.

Скот. Действительно, для тех беженцев, которым удалось пригнать с гор свой скот, он стал основным капиталом, который они могли использовать для приобретения земельных участков и строительства жилья. Из 58 семей, построивших себе дома, 10 сообщили, что продали ради этого свой скот. При этом специально вопрос о том, на какие средства строились их дома, беженцам не задавался. Так что, расстаться со своим скотом, чтобы обрести собственную крышу над головой, возможно, пришлось и другим беженцам. (Правда, в результате они остались без основного источника их существования).

Средняя цена коровы или быка в Чечне – от 15 до 20 тысяч рублей. Значит, нашему беженцу из п. Добыча удалось выручить за свой скот 50-60 тысяч. Могло ли этих денег хватить на строительство дома?

Вряд ли, но за эти деньги он мог в начале 2001-2002 гг. получить земельный участок и приобрести часть тех стройматериалов, которые требуют денежных затрат.

Вопрос о стоимости земельных участков не был включен в опрос, но многие беженцы говорили об этом сами. Затраты на получение участков сильно различаются в зависимости от времени и места их получения. В первые годы после переселения горцев на равнину они могли получить участки за 2500 руб. (Кадии-Юрт), 8000-10000 руб. (Ойсхара), 15 000 руб. (В.Нойбера). Сейчас участки в этих местах стоят 60-100 тысяч рублей. В Иласхан-Юрте нам говорили о покупке земли за 25 тысяч рублей, в Ильинской - за 35 и 50 тысяч.

Второй важный элемент упомянутой «формулы» - саман. Подавляющее большинство домов беженцев выстроено из саманного кирпича: 36 из 58. Беженцы делают этот кирпич сами – из глины и соломы - и его изготовление им ничего не стоит, либо требует минимальных денежных затрат. Часто изготовлением кирпича занимаются женщины, которым помогают подростки. Реже встречаются и несколько дороже обходятся турлучные дома: глиняные дома на деревянном каркасе. Собственные турлучные дома были у трех опрошенных нами семей беженцев. Хозяин одного из них построил его из материалов своего разобранного старого дома в горах.

Те, у кого есть какие-то дополнительные средства, облицовывают саманные дома кирпичом: такие дома выглядят наряднее и престижнее сереньких саманных домиков с торчащими из стен «хвостиками» соломы, но с точки зрения тепла и прочности существенных преимуществ они не имеют. 9 из опрошенных нами семей имели облицованные кирпичом саманные дома в собственности.

И наконец, третий элемент «формулы» строительства беженского дома: помощь родственников. Элемент очень важен: об участии родственников – денежными средствами и трудом - в строительстве их домов упоминали многие беженцы. Некоторые говорили о том, что строить дом им помогали соседи. Но участие это в Чечне настолько естественно и традиционно, что наверняка в той или иной степени им пользовались все, кто строил свои дома, просто не всем пришло в голову упомянуть об этом. Двум вдовам с детьми дома были построены братьями покойных мужей (5, 27). Некоторым родственники приобрели или отдали свои земельные участки (16,43,78,98). Семье одного парня, потерявшего оба глаза и правую руку при взрыве мины, участок под строительство дома подарил друг (43).

Однако, не у всех беженцев был скот, не у всех есть родственники, способные помочь деньгами, да и те, у кого все это было, вряд ли могли полностью покрыть все затраты на строительство только за счет этих источников. Судя по результатам опроса, у беженцев есть только два способа раздобыть недостающие средства: получить компенсацию или взять деньги в долг. 20 из 58 семей построили жилье, благодаря получению компенсации. 9 семей, чтобы построить дома, влезли в долги, и теперь ждут компенсации, чтобы расплатиться.

Опрос дает некоторое представление и об общих размерах затрат на строительство.

Вот, например, как беженцы определяли источники средств на строительство саманных домов:

- компенсация 65% + бесплатный участок (подарил брат-16),
- компенсация + бесплатный участок (мать отдала участок, полученный до войны - 22),
- продал много скота (36),
- скот (маленький дом в одну комнату, за участок заплатили 25 тысяч - 18),
- компенсация +скот (в том числе за участок 35 тысяч рублей – 6) ,
- компенсация 50%.+ долг + скот (в т.ч. за участок 30 тысяч рублей - 50).

О стоимости саманных домов, облицованных кирпичом, говорит тот факт, что один из опрошенных истратил на облицовку всю компенсацию, полученную, конечно, не целиком (46).

Затраты на строительство турлучного дома: компенсация + долг 150 тысяч рублей (46). У владельца кирпичного дома остался невыплаченный долг в размере 300 тысяч рублей (41).

Шесть семей живут в недостроенных домах: четыре – в саманных, две – в бетонных подвалах своих будущих домов, накрытых шифером (39,54). Эти два подземных жилища производят на свежего человека особенно сильное впечатление.

Еще 8 семей, живущих в чужих домах, сообщили, что были вынуждены прекратить начатое строительство из-за отсутствия средств.

Одна семья купила в п. Ойсхара участок за 25 тысяч, заготовила саманный кирпич для дома (все лето делали), но он пропадает, потому что денег на фундамент нет: ждут компенсацию, чтобы продолжить строительство (31).

В то же время некоторые семьи, получившие компенсацию, начали на нее возводить дома, но столкнулись с тем, что не могут завершить строительство (таких семей 6). Причина в том, что размер компенсации в ее усеченном за счет взяток виде заведомо недостаточен, а других средств у этих семей нет.

- «На компенсацию купили участок, начали строить, заложили фундамент и купили часть материала для крыши. На остальное не хватает средств» (71)
- «Получили 230 тысяч компенсации. Деньги ушли на фундамент и на покупку участка 8 соток» (82).

Рост цен – особенно на земельные участки – приводит к тому, что получение компенсации все в меньшей степени решает проблему строительства нового жилья.

А если эту усеченную и все более обесценивающуюся компенсацию приходится еще делить с другими родственниками или расходовать на насущные нужды, перспективы строительства жилья становятся еще более туманными: «Получила 140 тысяч (пополам с братом), отдали долги, проели, построить дом не можем» (30).

Остается отметить, что в с. Иласхан-Юрт действуют и другие причины, мешающие горцам строить жилье: как рассказал один беженец, он купил участок, заложил фундамент, но строить дальше ему не разрешают! (26)."

Для дополнительной информации, читайте статью "Кормильцы боевиков" стали бомжи, Чеченское Общество, 7 августа 2006 г.

Housing of IDPs in Ingushetia (2009)

- About 75 per cent of IDPs in Ingushetia live in private accommodation; the remainder live in temporary settlements
- In either case residents are 55 per cent women and 45 per cent men and live in inadequate conditions
- Ethnic Ingush: about 20 per cent live in temporary settlements, while about 50 per cent live in the private sector
- Ethnic Chechen: about 80 per cent live in temporary settlements, while about 50 per cent live in the private sector

Мемориал, 26 марта 2009г.:

"С 2006 по 2009 годы на учете ОФМС Республики Ингушетия состояло 760 семей (3121 человек), проживавших в местах компактного проживания."

Правительство РФ, 31 декабря 2008г.:

"Количество ВПЛ в Республике Ингушетия составляет 3780 человек (в основном этнические ингуши, которые планируют обосноваться в Республике Ингушетия) Размещены они в 23 местах компактного проживания, арендуемых за счет средств федерального бюджета. В отношении данной категории граждан ФМС России в полном объеме осуществляются функции по содержанию и питанию, предусмотренные постановлением Правительства Российской Федерации от 3 марта 2001 г. № 163."

DRC, 30 September 2009:

Breakdown by ethnicity in temporary settlements

Ethnicity	Families	Persons
Chechen	358	1,427
Ingush	101	350
Others	11	33
Total	470	1,810

Breakdown by ethnicity in private accommodation

Ethnicity	Families	Persons
Chechen	909	3,652
Ingush	963	3,892
Others	9	26
Total	1,881	7,570

UNHCR, 17 April 2008:

"IDPs [in Ingushetia] are still settled in some 70 Temporary Settlements or hosted by relatives - in either case, most of them live in sub-standard conditions with little self-reliance mechanism. Shrinking humanitarian assistance directed to the Republic aggravates their situation."

Evictions from collective centres in Ingushetia (2009)

Мемориал, 7 апреля 2009г.:

"Заявление

Мы и наши семьи, внутри перемещенные лица из ЧР, в целях личной безопасности были вынуждены покинуть места своего постоянного проживания в Чеченской Республике, на территории которой федеральным центром проводилась антитеррористическая кампания, и прибыть в Республику Ингушетию, где с 1999 года по сегодняшний день проживаем по вышеуказанному адресу.

Соответственно, мы все были внесены в списки Миграционной службы РИ по форме №7, что позволяло нам получать продовольственную и другую помощь согласно Постановлению Правительства РФ от 03 марта 2001 года №163 (с изменениями и дополнениями в соответствии с Постановлением Правительства РФ №797 от 02.11.2001 года) "О финансировании расходов на содержание и питание граждан, временно покинувших места постоянного проживания...).

С февраля сего года к нам в МКП начали периодически приходить представители миграционной службы с РИ и ЧР и требовать, чтобы мы снялись с учета по форме №7. При этом применялись различные незаконные методы давления, угрозы, оскорбления, грозились лишить детских пособий, и по безработице, пенсии, выдача гуманитарной помощи будет приостановлена, и задолженность (с января 2009 года по настоящее время) нам отдадут только в случае, если мы подпишем заявления о добровольном снятии с учета.

В соответствии с тем, что у нас своего жилья в Чечне нет нам и нашим детям, некуда возвращаться для постоянного и временного проживания подписывать такого рода заявления мы отказались. Однако 02 апреля 2009 года наш арендодатель, хозяин "МехСтрой" Арчаков Ахмед принес нам всем Акты о снятии нас с учета по форме №7, и предупредил что в течение двух дней либо освободили занимаемое помещение, либо начали оплачивать арендную плату по 1 000 руб. с комнаты. После этого мы все приехали в ОФМС России по РИ на прием к и.о. начальника ОФМС России по РИ М.Илезову с требованиями объяснить на каком основании были составлены выше указанные акты и сняты с учета базы данных внутри перемещенных лиц проживающих на территории РИ по форме №7. В ходе нашей беседы М.Илезов вызвал в свой кабинет сотрудника миграционной службы с ЧР откомандированного в ОФМС России по РИ В.Хасимикова. По требованию М.Илезова В.Хасимиков поднял все наши личные учетные дела, и на вопрос, на каком основании нас сняли с учета, нам показал заявления от 31 марта 2009 года, поданные от наших имен с указанием того, что мы добровольно снимаемся со списков по форме №7.

Все заявления от нас и наших семей были составлены одной рукой, а подписи наши подделаны. Данные заявления мы не подавали и соответственно не подписывали.

На руки нам данные заявления выданы не были.

Так же сотрудники ОФМС по РИ 21 марта 2009 года составили 17 актов о том, что 17 вынужденных переселенцев не являются жителями нашего МКП, что не соответствует действительности, так как на момент проверки эти люди были на месте и сотрудники Миграционной службы беседовали с ними.

На основании изложенного просим Вас направить оказать нам помощь в защите наших прав, в связи с незаконным снятием с учета по форме №7 и фальсификации документов. Просим вас так же защитить нас от целенаправленного принудительного выдавливания из мест нашего временного проживания.

03.04.2009 г. Подписи заявителей"

Ингушетия.org, 7 августа 2009г.:

"Судебные приставы в минувшую среду выселили девять семей беженцев из общежития в Малгобеке. Причины насильственного выселения людей неизвестны.

В общежитии в Малгобеке проживало девять семей: пять семей из Пригородного района, три - из Чечни и одна семья местная. Неделю назад семьи уже пытались выселить, но этому помешали правозащитники.

Семьи были выселены в соответствии с решением Малгобекского городского суда их выселили. Приехали приставы, опечатали помещение. Сейчас люди находятся на улице. Беженцы обратились к властям Ингушетии, в миграционную службу, но нигде не получили ответа. Никто из беженцев не знает причины выселения.

Напомним, что подобная ситуация может произойти и в Карабулаке, где в двух детских садах города проживает 38 семей беженцев."

IDPs in Dagestan need assistance for local settlement (2009)

- Some IDPs from Chechnya living in Dagestan were allocated land, money and construction materials by the government
- Those who had moved were living in temporary shelter because they still needed construction assistance

МХГ, 16 июля 2009г.:

"По оценке региональной благотворительной общественной организации помощи беженцам и вынужденным переселенцам «Набат», положение беженцев в Дагестане можно назвать катастрофическим. Попраение их элементарных прав стало обыденным явлением. Страшная нищета, безысходность, отсутствие крыши над головой, болезни, невозможность посещения школ многими детьми беженцев – вот неполный перечень проблем, обрушившихся на многих и многих жертв войны в соседней республике. Произвол чиновников различных калибров, в чью компетенцию входит прием, регистрация, обустройство беженцев и вынужденных переселенцев, оказался в некогда гостеприимной республике не менее страшным и жестоким, чем испитая до дна чаша страданий в Чечне."

UNHCR, 17 April 2008:

"The government [in Dagestan] provided upon the closure of the camp, assistance to 37 residents with a land plot, construction materials and a cash grant. The camp was near the Chechen-Dagestani border."

Кавказский Узел, 22 сентября 2007 г.:

"Беженцам из станицы Бороздиновской Шелковского района Чеченской республики, [переселяющимся из лагеря "Надежда" в Дагестан](#), который выделил им землю для постоянного расселения, нужна помощь в строительстве домов, об этом говорится в сообщении на сайте [международного общества "Мемориал"](#).

Правозащитники следят за развитием событий вокруг лагеря, информируют о происходящем общественность и представителей государственных структур. По инициативе президента Дагестана Муху Алиева была создана рабочая группа для размещения семей беженцев в сёлах Кизлярского района республики. Для тридцати семи семей, остававшихся в лагере на сегодняшний день, выделены земельные участки под строительства домов в нескольких сёлах – Аверьяновке, Южном, Косякино, Кизлярском. Однако финансовая поддержка для строительства новых домов предусмотрена не была, отмечается в сообщении.

Беженцы всеми силами стараются построить камышовые жилища или палатки из старого материала, оставшегося от прежних жилищ в лагере. Практически никто из переселенцев не в состоянии самостоятельно оплатить строительство саманного или кирпичного дома. У них нет финансовых средств для приобретения строительных материалов: цемента, шифера, балок, реек, кирпича. Только стоимость строительных материалов для одного домика из четырёх комнат составляет 90-100 тыс. рублей.

Переселенцы нуждаются во многом, но в первую очередь - в строительных материалах. Им нужно срочно, до наступления зимы, построить себе в поле хотя бы маленькие домики.

Как отмечают правозащитники, беженцев фактически переселили на голую землю. Новое место расселения, по сути, - всё тот же лагерь, они снова в открытом поле, и все их житейские проблемы сегодня точно те же, что год и два назад. Рабочая группа пока ничего им не обещает, кроме выделения земельных участков, - по 6 соток.

Сотрудник Сети "Миграция и Право" ПЦ ["Мемориал"](#) направил письменное обращение президенту Дагестана с просьбой обратиться за помощью в переселении беженцев к Датскому Совету по беженцам или УВКБ ООН на Северном Кавказе, как международным организациям, чья прямая миссия - оказывать помощь людям, оказавшимся в подобных ситуациях.

Правозащитный центр также намерен обратиться в международные и российские организации с просьбой: помочь бороздиновцам. На Северном Кавказе наступили холода, и обитателям камышовых шалашей уже сейчас очень трудно удержать тепло в своих жилищах, которые перемещаются на новое место вместе с ними, отмечают правозащитники [...]

Они заявили, что не вернуться на территорию Чечни, где вынуждены жить в атмосфере постоянного страха. Ни власти Чечни, ни власти Дагестана тогда не проявили должной заботы о новых беженцах.

В сентябре текущего года более 130 [беженцев из станицы Бороздиновской](#), проживающие в палаточном лагере "Надежда", начали переселение в Кизлярский район Дагестана, где им выделены земельные участки под индивидуальное жилищное строительство. На сегодняшний день на новое место жительства из палаточного лагеря "Надежда" выехали 22 семьи. Остальные 15 переедут в самое ближайшее время."

Great need for housing among IDPs in Chechnya and Ingushetia (2008)

- Housing is a major problem for IDPs in Chechnya
- In 2007, UNHCR interviewed residents of government-organised temporary accommodation in Chechnya and Ingushetia; about 13,000 people in Chechnya and about 6,000 people in Ingushetia
- Approximately 99 per cent of interviewees in Chechnya said their original housing is totally or partially destroyed; the majority of this housing is in Grozny and is not currently occupied
- 50 per cent of interviewees in Chechnya reported they did not own any land or housing, and 40 per cent of this group was single-headed households
- In Ingushetia, 40 per cent of interviewees did not own property or housing and out of those who did own property and housing, 72 per cent were totally destroyed and 25 per cent partially destroyed

UNHCR, 17 April 2008:

"Housing is a major problem for IDPs in Chechnya. The temporary shelters for IDPs are in the process of closure despite Chechen government's Instruction 387 (17 October 2007) which stipulates that IDPs are allowed to stay in the former temporary accommodation centres if they pay for utilities. The Chechen authorities have taken some measures to provide the residents with alternative shelters, but it is unclear if such initiatives can cover all the people in need. The contested ownership of apartments provided by the government is a rising issue as well. The authorities confirmed the media report that compensation payments would resume in Chechnya in 2008, but there is no report on the implementation yet."

Survey results from Chechnya

UNHCR, 30 June 2007:

"The survey captured almost all families de facto residing in 32 TACs and TSs in the republic of Chechnya. Overall, 2,894 families/ 12,752 persons were interviewed [...]"

In Chechnya, if the level of total or partial destruction of dwellings declared by the surveyed population is confirmed at the tune of 98.9% of all houses and flats currently owned by TACs residents (77.8% totally destroyed), the abrupt closure of TACs now announced for mid August 2007 may still put families in difficulty. This is particularly true for the Grozny area, where 67.5% of all totally or partially destroyed properties reported by TACs/TSs residents are located and for particular TACs/TSs, where the possession of destroyed properties in relation to the resident population is close to 50%. The intention to discontinue the TACs/TSs should also take into consideration the situation of properties' ownership, particularly in some relatively collective accommodations (75 families or above) where it emerges that more than 50% of the residents does not own any property.

Despite the ongoing efforts and the initiatives of reconstruction and of land allocation, the tasks for the authorities continue to be vast. They should not be limited to the Grozny area, even though this is undoubtedly the area where most of the TACs/TSs residents have their property – flats in particular (95.4% of all declared flats). Authorities have to ensure a wider coverage of the territory of the Republic to guarantee fair conditions to all displaced population [...]"

[...] In its core part, the survey aimed at identifying for each surveyed TAC/TS resident family whether the family possess an immovable property, the type of property (house, flat, empty land), and the level of destruction of the property (completely destroyed, partially destroyed or intact),

All these elements are deemed to directly affect the possibility to vacate the TAC/TS and return to the areas of origin or other areas of choice.

Each respondent family was asked to report on all properties owned, whether by the head and/or by other family members currently residing in the TAC/TS. More than one answer was therefore possible on the type of property owned. Families who were found not in possession of any property were asked about the reasons for this situation [...]

Out of the total 2,894 families interviewed as TAC/TS residents, 1,472 families declared that they are not in possession of any form of immovable property (house, flat or landplot), while 1,619 positive answers related to the possession of housing/land property were collected. Considering that negative answers were unique, whereas positive answers could have been multiple, the conclusion is that 50.9% of the families residing in TS/TACs have no ownership over housing or land.

Most of the families with no property are residing in the Staropromislovski District of Grozny (32.5%), followed by the Oktiabrski District (24.8%) and the Leninski District (14.9%). However, these figures are influenced by the fact that these districts are the most densely populated. Analogously, if looking at the absolute number of answers, the highest number of persons without properties resides in the Saihanova Tabolskaia TAC in the Oktiabrski District (121 families). However, when measuring lack of property against the number of families surveyed in each TAC/TS, the most problematic property situations seem to be for the residents of the MKP Milana in the Staropromislovski District (80% of residents with no property), followed by the TAC Sahzavodskaya in Argun (77% of residents with no property), the TAC Kalzova 2 and Maiakovskaya 140A again in the Staropromislovski District (71.9% and 67.1% of families with no property respectively).

Out of the 1,472 families who reported not to own any property, 36.6% are single-headed families (539 families). This represents 33% of the overall number of families surveyed and 56.4% of the single-headed families surveyed. Most of the single-headed families without property have been detected in the Soviestskaya TAC in Sernovodsk (6.4% or 61 families), followed by the Poniatkova TAC in the Oktiabrski District (4.6% or 44 families) and by the TAC Saihanova in the same district (4.4% or 42 families). If the number of single-headed families with no property is compared with the TAC/TS population, the highest incidence is in the Kalzova 1 TAC in the Staropromislovski District (33% of overall resident families), followed by the Soviestskaya TAC in Sernovodsk (32.2%) and by the TAC Novatorov-17 also in the Staropromislovski District. Although a direct link cannot be established, it cannot be excluded that some of the most vulnerable cases may fall into this category and be found in these locations.

Out of the 1,271 TACs/TSs residents who declared not to be in possession of the MS registration, 1,157 (91%) comes from families who declared not to possess any house/flat/land-plot. Persons with no MS registration and who are members of families with no property represent 9.1% of the TACs/TSs residents, with peaks in the Gudermes Depovskaia TAC, where 81.3% of the population at the same time is with no property and no MS registration. As for single-headed families, a direct connection with vulnerability is not always immediate, though the incidence to find vulnerable cases in this group may be higher.

To analyse the possible solution on alternative accommodation, the enquiry was further developed to detect the reasons why families residing in TACs/TSs are not in possession of lodging/land. The relative majority of the 1,472 families (38.5%) stated that they were residing in the parent's house before becoming TAC/TS residents. As for the remaining, 24.7% were residing at relatives or friends, 13.7% were renting their lodging, 8.9% were residing in a municipal building, and 7.5% were hosted at the spouse's former house. In addition, 3.9% of the

respondents indeed owned some form of real estate property but subsequently lost their rights over it. Finally, 2.4% TS/TACs residents currently with no proper declared to have been residing out of the Republic. The latter group is likely represented by the refugees returned from Georgia in 2005 and 2006. An irrelevant number of respondents (0.1%) reported to have resided in a not better specified “other place” or their case was not assessed (0.3%).

1,619 positive answers on the availability of property by families (one or more members) were given during the survey. Considering the number of families interviewed (2,894) and the number of families reportedly with no property (1,472), it can be inferred that some 1,422 families (49.1% of the surveyed families) have ownership over a house/flat or land plot and that at least 197 families (6.8%) gave multiple answers, i.e. reported that the family owns more than one property, normally through different family members.

According to the numbers of positive answers on property availability that were collected, the highest percentage of housing or land-plots are held by families currently residing in TACs/TSs in the Oktiabriski District (28.3% of answers), followed by the Staropromislovski District (25.8%) and by the Leninski District (19.1%). It has however to be considered that these Districts are the ones hosting the most numerous and densely populated TACs/TSs.

When looking at the single TACs/TSs, the highest number of families that reported to own at least one property is registered in the Saihanova Tabolskaia TAC in the Oktiabriski District (127 families), followed by the TAC Centralnaia Usadba in Assinovskaia (102 families). And yet, these results have to be compared also in relation to the number of resident families per TAC. In this case, the highest percentage was registered in the families of the Michurina 116 TAC in the Leninski District (75.9% reporting at least one form of property), followed by families in the TAC Greidernaia of Samashki (70%) and by families residing in the TAC Hmelnizoga (69.7%) also located in the Leninski District. On the opposite side of the spectrum, the TAC Milana in the Staropromislovski District (hosting however only 10 families) and Sahzavodskaya 29 in the Argun District.

[...] On legal-related issues, the survey enquired also about the status of double occupancy of houses and flats owned by TACs/TSs residents. Only 0.6% of the 793 houses are reported to be currently occupied and 1.9% of the 587 flats. This result is likely linked to the fact that most of the properties are still inhabitable. It can then be inferred that the main legal dispute are not so much on forcible evictions, but rather on the presence of conflicting property ownership documentation.

For each destroyed houses or flat reported by one or more family members, a question was made on the compensation process and its results. As expected, the submission of application for compensation is a common action taken by the 78.1% of the TACs/TSs residents owning a partially or completely destroyed house or flat. The percentage varies from 85.4% for housing properties, to 68.1% for flats. However, a quite different result appears when considering the outcome of the process. According to the TACs/TSs' residents' replies, compensation has been received for only 19.4% in relation to the total number of applications submitted. This represents 15.2% of the total number of totally or partially destroyed houses and flats. There is no significant difference when considering the two types of immovable property separately: 19.3% of the application submitted for destroyed houses and 19.6% for destroyed flats have been successfully accepted [...]

Survey results from Ingushetia

In Ingushetia, the survey on the IDPs' situation in Temporary Settlements captured 1,097 families/5,710 persons residing in 81 TSs on the territory of the Republic [...]

Out of the 1,097 respondent families [in Ingushetia], some 438 families (39.9%) reported not being in possession of any housing/flat or even land plot either in Chechnya or in Ingushetia, as opposed to some 659 (60.1%) were found to hold at least one property.

Most of the families without property reside in the Sunzhenski District (37.2%) and in the Nazranovski district (33.3%). Yet, when data are prorated by the IDP resident population in TSs per district, the percentage fluctuates between 51.7% in Karabukak and 36.8% in Sunnzhenski district.

As for the reasons for the lack of any housing/flat or land plot in any of the Republics, the largest majority of the 438 respondents (86.1%) affirmed having lived in the house of parents or relatives in Chechnya, which is now either totally destroyed (33.1% of the families with no property), partially destroyed (17.1 %) or even habitable (18.3%) but likely not sufficient to host newly created or enlarged families. 5.9% of the IDP families with no forms of alternative accommodation lived in municipal buildings before the displacement, or were renting an accommodation (4.3%). A minority (2.5%) declared having been in possession of a form of immovable property but subsequently lost the ownership rights, or affirmed having resided in the spouse's house before arriving in Ingushetia (1.1%).

The survey tried to elaborate on cases that either may deserve a special attention due to the particular family situation or that may have some additional difficulties to be included in governmental shelter plans for returning or for integrating IDPs. On the one hand the survey tried to put in correlation the presence of single headed families with no property. Even if the inference cannot be automatic, this match of circumstances may conceal a higher than average degree of vulnerability, particularly in case of single mothers. Out of the 218 singleheaded families residing in TSs in Ingushetia, 106 were found also not having any property title. This represents 9.7 % of the overall IDP families residing in TSs, 11.9% of all the population in TSs where single headed families have been detected and 48.6% of all single headed families. In absolute terms, most of the families reside in the Nazran Municipal District (36.8% of all single headed families with no property), followed by the Sunzhenski District (30.2%) and the Karabulak District (18.9%). When the presence of such families is put in relation with the TS population size, relatively higher percentages are registered in Malgobek (19.7%) and Karabulak (14.4%) districts. The latter ranking is probably influenced by the fact that those two districts have the higher percentage of IDPs without MS registration.

A second query put in relation the IDP population not registered with the Migration Service and at the same time part of a family with no ownership of property in Ingushetia or in Chechnya. The lack of MS registration may in fact be an obstacle for integration/reintegration as de facto it excludes the person from any form of State assistance linked to the displacement/return situation¹⁸. In these circumstances, the lack of property may represent an aggravating factor, or at least it may indicate that these families will have to rely largely on the assistance of other humanitarian actors. The results of the survey show that 1,816 IDPs residing in TSs in Ingushetia were found in this situation. This represents 32.5% of the overall population of TSs where families with no property were recorded. While in absolute terms the Sunzhenski and the Nazran municipal district presents the highest number of cases of this type (655 and 569, i.e. 36% and 31.3% of the overall persons with no MS registration), the highest percentage in relation to the TSs' population by district was found in Malgobek (53.1%) and Karabulak (46%) [...]

Multiple answers were possible to identify the type of property owned by one or more family members, as in the Chechnya exercise. 706 existing houses/flats/land-plots were recorded among the 659 families reporting to have some form of immovable property either in Chechnya or in Ingushetia. 98.3% of the reported properties (694) are located in Chechnya and only 1.7% (12 cases) is located in Ingushetia. 63.7% of all declared properties are individual houses in Chechnya (450), 24.1% are flats in Chechnya (170) and 10.5% are land plots in Chechnya (74).

Only 1.3% (9) and 0.4% (3) of the one or more properties owned by families residing in TSs are either empty land plots or shelter under construction in Ingushetia. Regular monitoring in Ingushetia shows however that the low incidence of possession of land-plot may not represent the full reality, as more IDPs families may indeed possess land plots but they are not documented [...]

As in the Chechnya exercise, the survey attempted to identify also the level of destruction of the reported properties in Chechnya owned by IDPs currently residing in TSs in Ingushetia. Out of the 450 houses identified as belonging to one or more members of IDPs families residing in TSs in Ingushetia, 73.1% are reported as totally destroyed (329), 24.4% are partially destroyed (110) and only the remaining 2.4% (11) are habitable. As for the 170 flats owned by the families, 67.5% are reported as completely destroyed (115), 27.7% as partially destroyed (47), and only 4.7% (8) are declared habitable. Cumulatively, 71.6% of the 620 houses and flats in Chechnya are inhabitable, 25.3% are partially destroyed (including 5.8% in the process of rehabilitation) and only some 3.1% of the accommodations owned by displaced populations living in TSs in Ingushetia are habitable [...]

The survey further identifies the geographical distribution of the houses/flats and landplots owned by IDPs residing in TSs in Ingushetia. As for the 694 properties reported as owned by IDPs in Chechnya (64.8% houses, 24.5% flats and 10.7% land-plots), 46.4% of them (322) are reported to be located in Grozny and close-by area, 23.5% (163) in the Achoy-Martan District, 9.9% (69) in the Urus-Martan District, 7.9% (55) in the Groznenski District and the rest in other 11 districts of the Republic. However, different proportions emerge when considering the specific type of dwelling and the level of destruction. For houses the mentioned breakdown is roughly respected, with the Grozny district gathering 36.9% of all reported 450 houses and the Achoy-Martan district hosting 29.6%. When it comes to flats the prominence of Grozny as the main location stands out (89.4% of the 170 flats reported as property in Chechnya). As for the declared 74 land-plots, the Achoy-Martan District records the highest concentration (33.8%), followed by Urus Martan District (21.6%) and only after by the Grozninski District (12.2%).

As for the geographical analysis of the destruction level of IDPs' reported properties in Chechnya, Grozny and the Grozninski District dominate for the presence of destroyed dwellings. 52.9% of all totally or partially destroyed properties Grozny urban area and 62% when considering also the Grozny outskirts), again followed by Urus Martan and Achoy-Martan districts."

Housing certificate programme ineffective (2009)

- Federal program "Housing" set to run through 2010 and provide housing to citizens government is responsible for
- Forced migrants are included in the programme
- Citizens receive housing certificates in an amount based on their location and number of family members
- In mid-2008 the government reported there were about 55,000 forced migrants with a right to state assistance for permanent housing

UNHCR, 20 August 2009:

"Ingushetia

In Ingushetia 1 family received housing certificate 2008 and none in 2009.

Chechnya

No housing certificates have been issued in the Chechen Republic. However, since 2006, 840 families have received subsidies under the government program «Young families housing accommodation support» in the Chechen Republic. This money can be used only for purchase of housing or for building of new housing.

There are 435 more families to be included in the plans for government subsidies in 2009.

In addition there were 25 housing certificates issued for other categories of the citizens (under such criteria as valid for participants of liquidation of consequences Chernobyl” – emergency, military personnel, etc. as provided for by the federal legislation».

North Ossetia

Exact numbers for NOA provided by the North Ossetia Alania Ministry of Construction as of 19 August 2009 can be shared: 116 positive decisions, including 8 certificates issued to the forced migrants' families. Prigorodny IDPs who failed to meet the deadlines (for submission of former house ownership in NOA/other supporting documents) stipulated by the Decree No. 274 have to exercise their right for state assistance in the order stipulated by the Russian legislation – that is under the Decree No. 153. As was the comment from FMS NOA and Prigorodny LA, so far no Prigorodny IDP (holder of a forced migrant status) is in the consolidated housing waiting list of forced migrants in NOA, which numbers currently 3,976 families/11,577 persons. There might be such applications registered in Ingushetia and other territories, since to be a beneficiary under the Decree No.153, you have to get included into the housing waiting list by the LA at the place of your residence registration."

Правительство РФ, 31 декабря 2008г.:

"Обеспечение жильем вынужденных переселенцев является важной социальной задачей для Российской Федерации. Оказание государственной помощи вынужденным переселенцам в обеспечении жильем осуществляется в рамках подпрограммы «Выполнение государственных обязательств по обеспечению жильем категорий граждан, установленных федеральным законодательством» ФЦП «Жилище» на 2002-2010 гг., координатором которой является Минрегион России.

В 2007 г. на эти цели выделено 1287 государственных жилищных сертификатов, что пока недостаточно для решения жилищной проблемы вынужденных переселенцев, в том числе проживающих в Республике Ингушетия.

Исходя из этой ситуации, в 2007 г. пути решения этой проблемы обсуждались заинтересованными федеральными органами исполнительной власти в рамках исполнения поручения Президента Российской Федерации о выработке единого механизма обеспечения жильем граждан, утративших жилье в результате кризиса в Чеченской Республике, а также вынужденных переселенцев, прибывших из республик бывшего Советского Союза. По итогам работы Минрегионом России совместно с ФМС России подготовлены необходимые проекты нормативно-правовых актов и их технико-экономическое обоснование.

В ближайшее время подготовленные предложения планируется рассмотреть на Правительственной комиссии по бюджетным проектировкам на очередной финансовый год и плановый период. По итогам рассмотрения должны быть определены объемы финансирования и сроки выделения средств.

При выработке единого механизма обеспечения жильем граждан, утративших жилье в результате кризиса в Чеченской Республике, а также вынужденных переселенцев, прибывших из республик бывшего Советского Союза, учтены вынужденные переселенцы и

ВПЛ из Чеченской Республики, которые планируют остаться для дальнейшего проживания в Республике Ингушетия.

Принятие положительного решения позволит значительно ускорить решение проблемы обустройства вынужденных переселенцев, в том числе и проживающих на территории Республики Ингушетия."

CRI Project, 31 May 2007:

"Recent years have witnessed significant changes to legislation in the sphere of citizen's housing accommodations. A December 31, 2005 government resolution No. 865 adopted a new edition of the "Housing" special federal program, allocating spending through 2010. This resolution embraced a national project for the issue of housing accommodations to all categories of citizens for which the government is obligated to provide under federal law.

It plans to secure housing for servicemen, for participants of radiation accidents and catastrophes cleanup operations, those relocated from the Baikonur space launch facility, and to the benefits-eligible categories of forced migrants. It also foresees payment of subsidies to citizens being relocated from the Far North and its surrounding regions. Finally, it plans to finance complete construction, reconstruction and modernization of housing assigned to people being relocated from shabby or disaster-state housing.

It envisions regional government agencies issuing state housing certificates to the assigned categories of citizens. These certificates would be based on the existing location of those forced migrants recognized as in need of better housing conditions. At the same time, financing for these needs is assigned through the federal budget."

"Правительство Российской Федерации, 1 июль 2008г.:

"Вынужденные переселенцы

Состоят в сводном списке, имеющих право на оказание государственной поддержки в постоянном жилищном обустройстве 53274

в том числе включены в число участников подпрограммы "Выполнение гос.обязательств по обеспеч. жильем категорий граждан, установленных федеральным законодательством" 41291"

For the details of the housing programme in Russian, see [On the Federal Programme "Housing" for the period 2002 to 2010.](#)

Health

IDPs from Chechnya outside of north Caucasus have limited access to medical care (Special report, 2008)

- IDPs have limited access to medical care because they often lack residence registration
- Lack of medical insurance policy and limited finances also restricts their access

IDMC Special report, 2008:

"Russian citizens are entitled to free medical care in state and municipal medical facilities . UDHR, Article 25 and Guiding Principle 18.2d also set out the right of IDPs to medical services. In practice, IDPs should present residence registration to receive general medical care, which is only free if they also have a medical insurance policy. As a result, medical care is limited by the possession of residence registration, medical insurance and finances.

Article 4.1 of the law on forced migrants foresees the provision of free medical assistance and prescriptions for IDPs with forced migrant status in accordance with the laws of the Russian Federation. In practice, however, they may only receive medical assistance in the municipality where their residence is registered, and it may not be entirely free. Those with permanent residence registration may apply for a medical insurance policy through their employer or the Fund for Social Security, which permits free medical services, while those with temporary residence registration are not entitled to apply for a medical insurance policy, but may use medical services in their local clinic for a fee. In principle, those without registration should not be denied emergency care. Furthermore, it should be noted that all citizens, displaced or not, are subject to informal fees when accessing medical services.

Access to medical care for IDPs is limited by finances. The majority of IDPs interviewed had a medical insurance policy that they received through their employer or through the local medical clinic where they were registered as resident. However, despite the guarantee of free medical care, IDPs claimed that only an appointment with a general practitioner and a few routine tests came for free with their policy. Hospital stays and certain operations were payable, as were most prescriptions. A displaced man in Rostov explained that despite his medical policy, the cost of treating any illness in the family would break the family budget. Several elderly displaced people reported that their medicines cost up to one half of their monthly pension.

The scope of medical services available was also an issue. IDPs reported that they could not afford to travel and pay for specialist treatment or surgery, and so their illnesses had gone untreated. In one case in Volgograd, the local branch of the Ministry of Health had generously paid for the first operation of a young displaced woman with a bone disease, but further treatment was needed in another city. The young woman's single mother had built up debts from friends and relatives to pay for her treatment, but had still not been able to meet the cost. Several IDPs complained they had not been offered psychological help since their displacement. They believed serious trauma had gone unacknowledged and untreated, and that IDPs needed psychological counselling.

Only one IDP reported having been denied access to medical services. An internally displaced woman in Moscow explained how a neighbourhood clinic refused to treat her when she was pregnant since she did not have residence registration. She later brought her baby to the clinic, but the staff refused to examine the child. According to a lawyer with Memorial's Migration and Law service in Moscow, the Ministry of Health never failed to provide hospital care to those in need or consult with IDPs needing medical care on their appeal."

Health system slowly recovering in Chechnya (2008)

- Government is increasingly funding the health system in Chechnya
- Hospitals and clinics understaffed and underequipped with shortages of water and electricity and poor sanitation facilities
- Health staff in Chechnya could improve technical, administrative and managerial skills
- Pediatric care needs to be improved, and mother education on child care needs to be strengthened

- Blood system diseases and traumas main cause for death in Chechnya
- Reproductive sterility has become an important socio-medical issue
- ICRC finished providing medical supplies to hospitals at the end of 2008

WHO, November 2008:

"In 2007-2008, the region has continued to experience positive changes in the Health Sector largely linked with the implementation of the national priority plan "Health" throughout the country and through an increase of the federal budget allocations to the strengthening of the health care system. There is a visible progress in high rates of the physical rehabilitation of the health infrastructure, especially in the Republic of Chechnya. Throughout the region there is a continuous process of distribution of selected specialized medical equipment. One of the most positive gains is the improved and established partnership and co-operation between the federal and the republican health authorities resulted in the set up and continuous strengthening of systems of methodological and information control, surveillance and exchange. In 2007-2008 despite many obstacles there is a definite improvement of situation with higher accessibility to medical services, drugs supply, especially on the level of central district hospitals and polyclinics. However, initial expectations are yet to be met...Finally, tuberculosis (TB) remains a serious public health threat for the year 2008 in all North Caucasus republics, especially Chechnya, where while the prevalence of TB is still below the national average, the TB mortality rate stands at 26,8 per 100,000 (17,2 Russian average), according to the Chechen Ministry of Health. Only Chechnya itself has more than 19.000 officially registered TB patients."

ACCORD, 30 April 2008:

"The Public Health Sector in the Chechen Republic lacks technical, administrative and managerial skills among the staff as well as specialised and basic medical equipment and drugs. Hospitals and clinics in the region are not only of low quality, but moreover struggle with power cuts and are in need of generators. There are health programmes run by WHO and other agencies to support hospitals in Chechnya and Ingushetia and also train medical staff. Like all over Russia and Eastern Europe, it is common to prescribe drugs in any case. Although drugs are often expired and expensive, they are very popular among the people, hence there is a high demand for pharmaceuticals. For surgeries, people attempt to go to Sochi, Rostov on Don or Moscow. As this is very expensive, they usually have to borrow money from friends and relatives."

UN, 4 March 2008:

"During the last discussions between WHO and the Chechen MoH there has been a special focus on the needs for further capacity building of local health workers in terms of training and upgrade of their professional knowledge. According to the MoH there is a large group of health workers who are not in the position to leave the Republic for various objective reasons (family, health, poor social-economic conditions, etc.) and strongly requested health sector organizations to carry out a number of training events inside of Chechnya. Among other specialties, there are a total of 159 obstetricians and gynecologists required undertaking state certification. A group of few available Chechen psychiatrists would have to go similar state certification in 2008. In addition, over 100 laboratory assistants throughout the Chechen Republic need to go through a four month initial specialization courses. There has been a standing problem to provide four-month initial specialization courses for a group of 25 head doctors working in different health facilities of the Chechen Republic..."

In the framework of the WHO project on "Strengthening Primary Health Care in the North Caucasus region" WHO in co-operation with the Ministry of Health of the Republic of Chechnya completed its assessment of quality of pediatric hospital care in the Republic of Chechnya. The main objectives of the assessment study were to: a) highlight and identify problems related to the quality of hospital-based paediatric care; and b) make suggestions for improving the quality of

care based on recommendations from assessment study results. A total of 20 hospitals providing paediatric services were covered by the assessment. The survey showed the lack of adequate supplies and equipment in most of the hospitals. The quality of paediatric hospital-based care in Chechen Republic need to be improved extensively: a significant proportion of children in the hospitals do not receive appropriate clinical management with many of patients receive unsubstantiated treatment. There is a lack of application of evidence-based standard treatment guidelines for common conditions, particularly in the management of diarrhoea, neurological pathology, malnutrition, respiratory infections and fever. Pre-service training and continue medical education programmes should be focussed on international standards and evidence-based protocols, starting from adapted IMCI guidelines, manual of referral care and training materials. It was recommended to continue and to start new programs on strengthening of mother education on child health, feeding and sick child care in the Republic which will have an impact as on improvement of child development and health care seeking behaviours resulting on prevention of referral delays, overuse of unsubstantiated treatment as well."

UN, 15 January 2008:

"WHO shared the brief outcomes of Chechen health state system performance in 2007 following the release of nine month report by the MoH. As reported, 2007 illustrated some significant changes in areas as medical equipment supply and health personnel capacity building. Dynamics of the medical and demographic situation are characterized by some negative public health indicators. The level of socially significant diseases is quite high.

Mortality rate

The mortality rates (10.2 per 1.000) remain high (blood system diseases and traumas are among leading ones).

Life expectancy

Average life expectancy continues to decrease (men – 57-58 years; women – 65-70 years).

Morbidity rates

Certain increase of morbidity rates was noted for diseases of cardio-vascular, nervous and genital-urinary systems, and also allergic diseases and congenital pathologies.

Cardiac care

Provision of cardiac care in the republic is at a very low level.

Cancer

In 2007 there were registered 15,168 people diagnosed with malignant tumors.

Diabetes

Diabetes morbidity rates are high throughout all regions in the RF. In the Chechen Republic about 4.5% of population is affected by this disease.

Tuberculosis

TB morbidity rates remain at a high level and account for 366.2 incidents per 100 000 population (101.3 in RF). TB morbidity rates inside the penitentiary system are 30 times higher, compared with the same indicators outside.

Sexually transmitted diseases

STIs remain a growing problem with some 900 new cases registered in 2007.

Nephrology

Nephrology services are of increased demand with more than 500 new patients being registered [...]

Working conditions for health care workers

While having a strong interest in attracting outside health experts, including native Chechens, the MoH admit that available limited working conditions are the greatest obstacle. Only few medical specialists returned for working in Chechnya. The situation worsens with the increasing outflow of medical faculty graduates as well with MoH attempting to sign a Government decree enabling recent medical graduates to be assigned for work for a certain time period inside of Chechnya."

ICRC, 27 May 2008:

"As the Chechen health system was increasingly funded by the federal and local authorities, the ICRC gradually reduced its deliveries of medical supplies to hospitals, ending them altogether at the end of the year. Support to the Grozny prosthetic/orthotic centre and training of Chechen technicians continued."

MSF, 31 December 2007:

"Healthcare in Chechnya has been crippled by more than a decade of war. The majority of doctors have fled and the security situation for hundreds of thousands of civilians and internally displaced persons (IDPs) remains precarious."

Mine victims face decreased assistance in Chechnya (2009)

- Needs of mine/ERW survivors not met by health services due to lack of funding
- Reduced international funding translated into less assistance for mine/ERW survivors
- However, international organizations provide reconstructive surgery free of charge to people with traumatic injuries, training, devices and local NGOs provide other treatments, therapy, support services, prosthetics and mobility devices

ICBL, 21 November 2008:

"The overall situation for mine/ERW survivors in Chechnya remained poor. Services to survivors provided by the state did not fulfill the existing level of need due to a lack of funding. However in 2007 and early 2008, Chechen health services received increased funding from both federal and local authorities while several humanitarian organizations concluded their emergency programs. Nevertheless, Médecins sans Frontières (MSF) reported in 2007 and mid-2008 that medical needs were not being met in Chechnya and neighboring North Caucasus republics.

Less funding from international organizations reduced activities for mine/ERW survivors implemented by local partners. Working with the government system to provide services was reportedly complicated and a key challenge for local service providers.[93]

Assistance activities in Chechnya were mainly undertaken through the Ministry of Health, the Fund for Social Insurance, the Ministry of Labor and Social Development, the Pension Fund, the Grozny Prosthetic-Orthopedic Center, and international and local organizations including NGOs. There was no central coordination and local organizations awaited the creation of a mine action center to fulfill this key role.[94]

Due to increased government assistance in the health sector, the ICRC gradually decreased its emergency assistance throughout 2007 and all support to emergency healthcare ended at the end of 2007. Seven hospitals that received ICRC support in 2007 assisted 25 weapons-injured people, including six mine/ERW survivors.[95]

MSF continued to provide reconstructive surgery free of charge for people with traumatic injuries, including corrective surgery for mine/ERW injuries.

The Grozny Prosthetic-Orthopedic Center provides physical rehabilitation and orthopedic devices for persons with disabilities in Chechnya. In January 2007, the government of Chechnya took over the financial responsibility for the center.[97] Since then the center has depended on budget allocations from the Social Security Fund. Due to delays in signing a contract with the Chechen division of the Federal Social Insurance Fund there were no services in the first two months of 2007.[98] Nevertheless, overall production and repairs at the center increased in 2007 after a slump in 2006.[99] The center assisted 799 people and produced 206 prostheses (75% or 155 for survivors) and 349 orthoses (none for survivors).[100]

The ICRC provided training for technicians and distributed information leaflets on the center to make people aware of the services available. The ICRC also continued to provide scholarships for four Chechens' training in prosthetics and orthotics at the St. Petersburg Social College.[101]

Handicap International (HI), with European Commission funding, continued to support 13 rehabilitation centers and provide information on services for persons with disabilities. Through these centers, 1,284 assistive devices of various kinds were distributed. Staff training on rehabilitation services was provided for 20 professionals. HI supported 95 livelihood support projects for persons with disabilities in occupations such as cattle breeding, beekeeping and sewing in Nozhay-Yurtovsky, Urus-Martanovsky and Groznensky Selsky districts.[102]

Let's Save the Generation provided or facilitated various services for mine/ERW survivors, including 173 surgical treatments, 101 other medical services, prosthetic and mobility devices for 107 people, and 97 physical therapy and 79 occupational therapy sessions. They also provided support to 1,800 survivors, families and communities through peer support groups, as well 160 vocational training opportunities and eight job placements. Let's Save the Generation's Psychosocial Rehabilitation Center received funding from the World Health Organization in 2007.[103]

UNICEF did not fund victim assistance services in Chechnya or report on programs in 2007, unlike past years. However UNICEF did provide some medical equipment for the treatment of mine survivors to Grozny Prosthetic-Orthopedic Center."

Access to health care for IDPs (2008)

- Children who are not registered at their place of residence cannot access medical services
- Even with medical insurance or a serious condition, in Chechnya patients must give doctors bribes
- Patients must also bring bedding and other items

Updated information on this topic could not be found among sources consulted

MHG, 2008:

"В России же по-прежнему медицинские услуги недоступны детям, не зарегистрированным по месту жительства. Им не выдаются полисы обязательного страхования, соответственно и медицинскую помощь они могут получить только за плату. Это положение делает практически невозможным получение медицинской помощи детьми из уязвимых групп населения — беженцев, вынужденных переселенцев, трудовых мигрантов, цыган и многих других."

Prague Watchdog, 11 March 2008:

"In order to receive treatment at hospitals in Chechnya patients need above all to have money. Neither the existence of compulsory medical insurance, nor disability, nor any other circumstance spares them from having to give the doctors financial incentives.

"A couple of weeks ago my 20-year-old niece was in the central maternity hospital. She told me about the practices that exist there," says 44-year-old Grozny resident Birlant Matsayeva. "She had to pay the midwives fifteen hundred roubles. And everyone thought it was quite acceptable because some other pregnant mothers had to pay three thousand."

"Not only that, but for each test she underwent she had to pay a hundred roubles. She paid separately for injections, tablets and other medications. When she was discharged her family gave the midwife 500 roubles. That's the kind of 'tax' you have to pay here. And yet Grozny's central maternity hospital bears the name of Aymani Kadyrova (the mother of the republic's president, Ramzan Kadyrov), and is supplied by the republic with all necessities, including high salaries for the medical personnel. Earlier, the patients were even warned not to make any payments to anyone, but the system of bribery continues to exist here in more concealed forms. Incidentally, this also applies to the republic's other medical institutions," Birlant asserts.

The patients in Chechen hospitals also complain that when entering the facility they have to take with them complete sets of bedding, all the way from mattresses and blankets to the other items. Alongside Chechnya's state health institutions there are also a number of private hospitals. They differ from the state ones only to the extent that the doctors who practise there take much more money from their clients...

In Chechnya there are private pharmacies next to almost every hospital. Local residents claim that the drugs and medicines which come from the Ministry of Health and should be issued free of charge to patients. Moreover, doctors usually recommend to their patients that they should their medication at the pharmacy where they have their "own" retailer, explaining that it is only there that genuine, not counterfeit, medication can be obtained."

Mental health of displaced adults and children is poor (2009)

- General:
- Some 70% of Chechens have experiences emotional or physical trauma related to conflict
- Inadequate mental health services as a result of the conflict
- No treatment for post-traumatic stress disorder available in Chechnya
- To cope with psychological stress IDPs resort to denial, prayer and support of family members respective
- Children:
- There are psychosocial and rehabilitation programmes for children
- State of mental health of children in Chechnya nearing critical because of post-war syndrome and lack of parental attention

ODI, 28 February 2009:

"The physical and emotional toll of the conflict is still palpable. People spoke about the violence they had witnessed and gave accounts of deaths and disappearances of family members during military operation. Surveys have shown that 70% of Chechens have experienced emotional or physical trauma related to conflict (de Jong et al., 2004). In a USAID survey in 2006, over half of respondents had lost at least one close family member in the conflict, and more than a quarter had personally witnessed a relative's death (USAID, 2006). Local NGOs believe that the

psychological impact of the conflict has affected people's ability to work. Every family interviewed was supporting handicapped relatives, many incurring debts to pay for healthcare."

UN, 29 January 2009:

"In 2006, UNICEF conducted a study of the psychosocial state of conflict-affected children in Chechnya. The survey found that across Chechnya, 80% of children were in need of some form of psychological assistance, many of them complained of tiredness and dreams of war. The survey also found that 92% of schools are lacking qualified psychosocial services.

To respond to these needs, UNICEF together with the ministries of education and science, health, labour and social development of the Chechen Republic and with funding from ECHO, USAID and US Bureau of Population, Refugees, and Migration started establishing psychosocial centres for children and their families. The first such centre was established in June 2006 and today there are 29 of them, comprising two complementary networks - school counseling centers and rehabilitation centres, working both with groups and individuals.

In 2009 17 more centres will be established, aiming at expanding the coverage to include even the remotest villages of Chechnya. Volunteers, who play a key role in the process of rehabilitation, will work at the new centres as well. UNICEF will also continue involving psychology students at the Chechen State University and Chechen State Pedagogical University in Grozny in the work of psychosocial centres as interns. Fifty young specialists from these schools already did such internships in 2008."

UN, 1 May 2009:

"In the Chechen Republic, the Representative met with the Ombudsman for the Chechen Republic, Nurdi Nukhazhiev...who noted that in addition to housing assistance, psychological and social rehabilitation of people was still acute in the republic."

WHO, November 2008:

"The importance of psychosocial assistance, including in cases of gender-based violence, as well as the health services available for conflict-affected people cannot be underestimated. Displacement and poverty in an unstable and volatile environment are conducive to psychosomatic conditions, aggravate stress, and increase the number of adolescents and children in need of professional psychological care. Mental health services, including psychosocial rehabilitation, are among those suffering the most from the crises in the North Caucasus. The shortage of psychologists and specialized medical professionals is an issue of concern in this sector."

UN OCHA, 12 December 2006:

"The importance of psychosocial assistance, including in cases of gender-based violence, as well as the health services available for conflict-affected people cannot be underestimated. Displacement and poverty in an unstable and volatile environment are conducive to psychosomatic conditions, aggravate stress, and increase the number of adolescents and children in need of professional psychological care. Mental health services, including psychosocial rehabilitation, are among those suffering the most from the crises in the North Caucasus."

ACCORD, 30 April 2008:

"No treatment of PTSD (post traumatic stress disorder) is available in Chechnya at the moment, neither for civilians nor for former soldiers or officials."

UNICEF, 3 March 2008:

"UNICEF has initiated a network of psychosocial school programmes and rehabilitation centres in Chechnya. The schools and centres complement each other, since children are referred from school-based psychosocial programmes to the rehabilitation facilities located in the same district. A total of 19 UNICEF-supported centres are operating in Chechnya today, and more are set to open in the near future."

WHO, 5 March 2007:

"Psychiatric care is provided through two hospitals, in Samashki – 180 beds and Darbanhi – 180 beds. The building of the Republican psychiatric dispensary is not reconstructed. In Grozny there are 3 psychiatrists (or 7%). In rural area psychiatric services are carried out by neuropathologists and 4 districts do not have one at all. Children psychiatrist rate is 9%. District psychiatrist rate is 35%. Psychiatrist staffing is 0.2 (average RF – 1.5)."

Prague Watchdog, 2 June 2007:

"According to specialists, the psychological condition of children in Chechnya today is close to critical. "Several factors are involved, but two basic ones can be singled out," Kheda, a female child psychologist, told Prague Watchdog.

"One is so-called post-war syndrome, when people return from a state of depression to a normal condition, and all the deprivation and suffering they have endured during the war is reflected in them and through them in their children. Because of their fragile psychological make-up, children are more vulnerable to this syndrome than others."

"The second factor is the transitional period to so-called peaceful life. The children's parents try to make up for time that was lost because of the war and put all their effort into earning money for the family. In pursuit of material goods they deprive their children of simple parental attention. The kids don't get the motherly affection they need at that early age just as much as they do oxygen," the psychologist says.

The doctor explains that the children develop an unconscious desire to draw attention to themselves by the most radical methods. Without realizing it, they are simply taking revenge on adults simply for the fact that things are not the same for them as they are for their peers.

The authorities are aware of the magnitude of the problem and are making attempts to remedy the situation, as they know that when they grow up, such children could easily be recruited to join the ranks of the armed resistance. "The only social guarantee that will work where these children are concerned is the payment of state benefits," an official government statement says.

For this reason the authorities are trying to open child rehabilitation centres. A few days ago one such centre for children and adults opened in Gudermes, and this summer another will open in Grozny, catering for 200 people."

Conflict and Health, 13 March 2007:

"At the beginning of 2004 MSF undertook quantitative surveys among the displaced populations in Chechnya and neighbouring Ingushetia [...] Surveys were carried out in Ingushetia (January 2004) and Chechnya (February 2004) through systematic sampling. Various conflict-related factors contributing to ill health were researched to obtain information on displacement history, living conditions, and psychosocial and general health status [...]"

Results of the general health questionnaire (GHQ 28) showed that nearly all internally displaced persons interviewed were suffering from health complaints such as somatic complaints, anxiety/insomnia, depressive feelings or social dysfunction (C: 201, 78.5%, CI: 73.0% – 83.4%; I:

230, 81.3%, CI: 76.2% – 85.6%). Poor health status was reflected in other survey questions, but health services were difficult to access for around half the population (C: 54.3%, I: 46.6%).

Most respondents believed the conflict had triggered mental disturbance or feelings of being upset (C: 205, 80.1%; I: 189, 66.8%). To cope with their psychological distress people responded that their first most important coping strategy was 'turning their head' (a local term meaning to deny a problem exists) (C: 123, 48.1%, I: 131, 46.3%). In the second response category the preferred option was prayer (C: 137, 53.5%, I: 131, 46.3%). A third and last stated option was the support of the family members (Table 6).

For displaced populations, the length of stay in temporary (and often precarious) accommodation is associated in other studies with higher likelihood of developing symptoms of psychological distress [22-24]. The average length of being displaced in both locations was five years. Most people had to move at least two times.

Chronic exposure to traumatic events is associated with higher levels of mental health problems and poorer physical health [25,26], and witnessing and self-experienced extreme violence is also associated with psychosocial and mental health problems, including depression [27], generalised anxiety disorder [30], and post-traumatic stress disorder [11,12,31,32]. Both survey groups had experienced similar levels of violence since the start of the conflict (exposure, witnessed, self-experienced), possibly contributing to ill health outcomes."

Women's and children's health in Chechnya (2009)

- Women suffer from psycho-social issues, domestic violence and anxiety
- Children are also in need of psycho-social assistance
- Almost every woman in Chechnya is diagnosed with 2-3 chronic conditions, the most common is gynecological conditions, including genital inflammation
- Children who are not registered at their place of residence cannot access medical services

UN, 1 March 2009:

"In 2006, UNICEF conducted a study of the psychosocial state of conflict affected children in Chechnya. The survey found that across Chechnya, 80% of children were in need of some form of psychological assistance, many of them complained of tiredness and dreams of war. The survey also found that 92% of schools lack qualified psychosocial services. To respond to these needs, UNICEF, together with the ministries of education and science, health, labour and social development of the Chechen Republic and with funding from ECHO, USAID and US Bureau of Population, Refugees, and Migration, started establishing psychosocial centres for children and their families. The first centre was established in June 2006, and today there are 29 of them, comprising two complementary networks: school counseling centers and rehabilitation centres, working both with groups and individuals. In 2009, 17 more centres will be established, aiming at expanding the coverage to include even the remotest villages of Chechnya."

ODI, 28 February 2009:

"Sintem focuses on pregnant and lactating women. There are major psycho-social issues amongst their target group, which affect not only their health but also their livelihoods as it causes problems at work, as well as family life where many suffer domestic violence. Many women face high levels of anxiety, particularly in recent years. The delayed psycho-social impact is attributed to the fact that in the early days people were focused on survival and reconstruction, but as time passed the trauma has increased."

WHO, November 2008:

"While the birth rates in Ingushetia (14.2) and particularly in Chechnya (22.0) for 2007 were above the Russian average of 10.3, they were often linked with increasing maternal and infant mortality. The latter remains highest in Ingushetia with 24.5 per 1,000 live-born children in 2007, and though reducing from 28.1 in 2008, is notably above the Russian average of 12.4. Maternal mortality continues to be high in Ingushetia (44.1 in 2007) and Chechnya (43.6) though reducing from 2007 with 73.4 in Ingushetia and 78.5 in Chechnya (average RF – 23.4).

Maternal and infant mortality rates in Chechnya and Ingushetia are two to four times higher than in the rest of the Russian Federation. Despite some improvements in overall child mortality rates since 2002, mother and child health remains a priority of the health care system for 2007-2008. Population coverage by nurses, district pediatricians, and gynecologists is low and many pregnant women remain unseen throughout their pregnancy. Iron-deficiency anemia is highly prevalent in pregnant and lactating women as well as in children. Poor follow up of children and women's health as a result of poor health awareness presents an additional challenge. The awareness of mothers and other primary child caregivers on breast-feeding practices remains low. The absence of sufficient infrastructure and adequate equipment and drugs to properly treat newborns, children and pregnant women, together with the lack of knowledge among responsible health staff, leads to the high prevalence of early childhood illnesses. Alarming indicators of mother and child health are early age child disability, the number of out-of-town referrals, late hospitalizations, and pathologies at child delivery (up to 40%)."

UN, 15 January 2008:

"Infant mortality

Infant mortality rates are at 18.1 per 1,000 live born (11.5 in the RF). Since 2006 the overall morbidity rates for children under 14 decreased by 11%.

Reproductive health

The state of reproductive health of women is mainly characterized by prevalence of gynecological pathologies. Significant number of surgical operations carried out on female genital organs indicates the scale of the problem in the area of reproductive system diseases.

In the context of the current demographic situation, the problem of sterility has become a serious medico-social issue. Female sterility indicators have reached the point of 510 cases per 100,000 female population (407 in the RF). The number of maternal mortality cases went down from four cases in 2006 to one case registered within the first half of 2007. In 2007 birth rate was 22.8 (10.4 in RF).

Children

In 2007 there were 16,244 handicapped children registered in the republic. Infant mortality rates in 2007 reached 21.6 (18.4 in 2006). Neonatal mortality rates have not changed and accounted for 64.9% in the structure of infant mortality. Asphyxia and congenital anomalies are among the main constitutive factors for neonatal mortality."

UN, 30 January 2008:

"The Chechen MoH briefed the participants about the situation in mother and child care.

Facilities for mother and child care

A variety of existing problems were brought up for the discussion, starting with absence of any specialized state health facility for child and mother care. There are no specialized hospital wards. The functioning ones are primitive and provide a rather general health care though aimed at provision of specialized health services.

Infant mortality

One of the greatest concern for the MoH is high perinatal (deaths under first 6 days) mortality, accounting for 83% in overall infant mortality.

Reproductive health

Despite all reported improvements the health of pregnant women get worse with 2/3 of all registered and delivering women having extra-genital infections and pathologies. While having and reporting services for the department of newborn pathologies, the provided services are extremely limited and rather basic. The Republic has no capacity at present to nourish pre-mature infants, especially under consideration that as of 2010 Russian health facilities should put in place technologies and conditions for nourishing new born (weight 500 grams). The unacceptable situation is with existing children mortality at home when all of these cases should get serviced at state health facility. There is a serious shortage of neonatology staff (20 out of 63 are available).

The same situation is with pediatrician staffing (43% are available), an example was given when 4 doctors are assigned to serve 20,000 children population geographic area. In the last few months with the new administration of the medical faculty the MoH has significantly improved co-operation levels with the medical faculty. The MoH reported that physical rehabilitation rate was lower in 2007 when federal funding was not available. At present, the construction of the new Republican children hospital is on going. The construction of the new Republican perinatal centre has been slowed down with only one polyclinic building nearly finished. Rehabilitation centre for children is still under construction."

MHG, 2008:

"В России же по-прежнему медицинские услуги недоступны детям, не зарегистрированным по месту жительства. Им не выдаются полисы обязательного страхования, соответственно и медицинскую помощь они могут получить только за плату. Это положение делает практически невозможным получение медицинской помощи детьми из уязвимых групп населения — беженцев, вынужденных переселенцев, трудовых мигрантов, цыган и многих других."

HIV/AIDS in Chechnya and Dagestan (2007)

- About 800 people living with AIDS in Chechnya
- HIV/AIDS Prevention Centre in Grozny is now operational
- Growing number of children with AIDS
- HIV/AIDS prevention programme approved in Chechnya

Updated information on this topic could not be found among the sources consulted

WHO, November 2008:

"The situation with sexually transmitted diseases remains critical, at the background of the lacking capacity of local health facilities to diagnose and treat them...Migration and displacement, combined with a lack of education and employment, are associated with the spread of sexually transmitted diseases and risky behaviour such as drug and alcohol abuse. The promotion of safe

reproductive health practices is at its lowest. The HIV prevalence in Chechnya and Ingushetia is still lower than the Russian average but is steadily increasing, including HIV mortality. More pregnant women with HIV are being detected. In Chechnya only, the mid-year HIV incidence rate has increased from 41.9 per 100.000 in 2005 to 65.7 in 2007 (the HIV rate was 10.3 in 2004 and 7.0 in 2003). With respect to STIs, the situation is critical, as the capacity of health facilities to diagnose and treat them is virtually non-existent as reflected by increasing cases of congenital syphilis and mortality cases of late syphilis complications. The testing of blood for transfusions remains a challenge in both Chechnya and Ingushetia. In both republics available blood reserves at the blood banks are insufficient and technical capacity for testing is not appropriate...

In 2007 there were detected 1 953 people with different forms of STI, which constituted STI morbidity rates accounting for 167,9 cases per 100 000 population. During the first half of 2008 there were detected 895 people with STI.

The following shows the share of different diseases in the overall STI morbidity structure:

- trichomoniasis – 42.2%
- syphilis – 20%
- clamidiosis – 16.3%
- gonorrhoea – 15%
- genital herpes – 2.8%
- venereal carbuncle – 3.9%

Within the first six months of 2008 there were detected and put on dispensary record 1 342 people.

Within the framework of the federal priority plan there were started construction works to set up a Republican Dermatovenerologic Centre, which was intended to improve the situation in terms of diminishing the spread of dermatovenerologic diseases in the republic. During the reporting period all primary health care facilities intensified their activities to effectively detect and identify STI cases throughout the republic. A timely provided diagnosis is one of the most important elements in regards to the further STI spread control.

The existing high STI morbidity and HIV prevalence rates have set the following goals and objectives to be achieved by the republican health cares system:

- with active involvement all social institutions and mass media to raise up the level of awareness about the HIV and STI problem among the general population;
- optimization of all activities aimed towards timely detection and monitoring of STI with the thorough analysis of epidemiological information and data;
- Creation of good workable conditions for all structures involved in STI reduction, which includes efficient allocation of financial resources."

Russia Today, 15 October 2007:

"The spread of HIV is becoming a major concern for more and more people in Chechnya. The local HIV/AIDS Prevention Centre has recently moved to a new building in the republic's capital, Grozny. Doctors are hoping to make the fight against the disease more efficient...Ten patients in this small republic died from AIDS-related illnesses this year alone...The Grozny HIV/AIDS prevention centre has big plans for the coming months. They now have facilities and equipment capable of dealing with HIV/AIDS cases. For all 30 doctors, counsellors and lab personnel, there is now a chance to help more people."

Prague Watchdog, 3 October 2007:

"Official approval has been granted to a nation-wide program bearing the title "Urgent measures to prevent the spread of disease caused by human immunodeficiency for the period 2008-2012." A health ministry official believes that the acceptance of this document will strengthen the fight against disease and the spread of HIV/AIDS in the republic.

"... The situation with regard to the spread of HIV in the republic today is a dangerous one," he says. "784 cases of HIV infection have been registered at the National Centre in Grozny alone. Of those patients, 283 are currently on the clinic's books," he said in an interview with Prague Watchdog's correspondent.

"The spread of HIV has been observed in 98 of the country's population centres. The highest number of AIDS cases was recorded in the city of Grozny, affecting 304 people, including 58 women and 10 children," the employee says. "It's followed by Groznensky district, with 93 cases, including 21 women and 3 children, and Urus-Martanovsky district, with 74 patients, of whom 15 are women and 2 are children."...

"It should also be noted that of the 784 HIV cases, more than 50% are drug addicts. Just over 30% were infected by sexual transmission. In recent years 84 people have died of AIDS in Chechnya, including 5 in the first half of the present one," the medical worker says.

Specialists are seriously worried by the fact that the republic has a growing number of children infected with the AIDS virus. " There is a total of 95 HIV-infected families in the republic as a whole. 73 children born to women with AIDS have been registered...In fact, the actual number of people infected with HIV may be several times higher. "

A few weeks ago a National Centre for the Prevention and Control of AIDS opened in Grozny, and is now operational. It has a special laboratory, a clinic for patients who are HIV-infected, an obstetric department and a psychiatric service."

UN OCHA, 12 December 2006:

"The HIV prevalence in Chechnya and Ingushetia is still lower than the Russian average but is steadily increasing, including HIV mortality. More pregnant women are being detected. In Chechnya only, the mid-year HIV incidence rate has increased from 41.9 per 100,000 in 2005 to 57.3 in 2006 (the HIV rate was 10.3 in 2004 and 7.0 in 2003)."

Water and sanitation

Access to water for IDPs in Ingushetia and Dagestan improved (2008)

- Access to water for IDPs in Ingushetia and Dagestan improved, though water supply and quality is generally poor

Updated information on this topic could not be found among sources consulted

ICRC, 27 May 2008:

"In Daghestan, some 5,400 IDPs, enjoyed access to cleaner water following rehabilitation work on water distribution networks in three remote villages. The living conditions of some IDPs accommodated in collective centres or living in the vicinity of Khasavyurt were improved by rehabilitation work.

In Ingushetia, some 3,000 IDPs benefited from improved access to safe water following completion of the second phase of the Karabulak water supply project. Some 1,300 IDPs in Gamurzievo and Nesterovskaya benefited from two projects to improve the water supply. About 300 IDPs benefited from renovations to water supply systems in six temporary centres."

Кавказский Узел, 21 августа 2007г.:

"Международный Комитет Красного Креста (МККК) завершил водопроводный проект в селении Терекли-Мектеб Ногайского района Дагестана, который позволит обеспечить водой около 8000 жителей. В поселке Дудаевка в течение долгого времени 850 жителей, среди них 150 внутриперемещенных лиц из Чеченской Республики, были практически не обеспечены водой.

Как говорится в пресс-релизе МККК, для того, чтобы обеспечить людей качественной водой, комитет разработал проект, направленный на восстановление и улучшение существующих, но ограниченных по пропускной способности водоприемных соединений имеющейся артезианской скважины.

Проведенные в рамках проекта работы включали строительство водонапорной башни (18 кубических метров), установку емкости для хранения воды (25 кубических метров), возведение насосной станции, подключение двух новых водяных насосов, прокладку 4000 метров пластмассовых труб по главным улицам населенного пункта, а также улучшение системы распределительных соединений."

UNDP, 15 May 2007:

"Sustainable supplies of safe drinking water are a very urgent problem, and half of people in the Republic [of Dagestan] currently drink water that does not meet hygiene norms. Over a third of water supply systems do not meet sanitary and hygiene standards. The republican capital of Makhachkala, where over 30% of the population lives, has severe difficulties with water supplies, particularly during the summer. The October Revolution Canal is not sufficient to meet water needs of the population of Makhachkala, and construction work has therefore begun on a third branch of the Miatlinskoe water conduit, which should solve the problem."

IDPs in Chechnya still need improved access to water (2008)

- Water infrastructure and supply and sanitation services is still a problem in Chechnya, especially in rural areas where people mainly fetch water from forest springs
- Humanitarian organisations carried out water projects at collective centres in Ingushetia, Chechnya and Dagestan and other important areas

UNICEF, 2009:

"Grozvodokanal and Chechvodokanal are two main public water providers in Chechnya working under the Ministry of Communal and Housing Services (MCHS). The two agencies were supported financially and technically by different organizations (UNICEF, ICRC, UNHCR, IRC) in previous years. Three years ago Grozvodokanal took complete responsibility for water provision in schools and hospitals from UNICEF. Sanitation programme which is also under the MCHS' responsibility was supported for years by humanitarian community. After years of successful cooperation with UNICEF and other UN agencies MCHS took over full responsibility for sanitation activities as well. In fact, there are still big problems with water supply and sanitation services in the city of Grozny. Residents in Chechnya are suffering from shortage of water. Situation in remote villages in the mountains is alarming. Local authorities did not manage to establish functional system of water delivery in the villages. People collect water for drinking and domestic needs from springs in the forests mainly."

ACCORD, 30 April 2008:

"The infrastructure is still a problem in Chechnya, especially for vulnerable people. While there is telephone, mobile phones and internet, electricity is cut off frequently, and water is not available

everywhere. Usually there is a central spout near buildings, but for some places water is distributed by trucks. At the countryside the infrastructure is even worse than inside Greater Grozny."

Bundesasylamt - Staatendokumentation, 30 May 2008:

"Water supply

Answers by interviewed people

a) General

- no problems with water in mountainous areas due to springs and rivers.
- one can buy as much water as is wanted and able to carry
- for bathing/showers there is hardly any water available, in addition there are very few showers
- how much and how good the quality of water is, depends on the region; almost every family has its own water well.

b) Town/Village

- Villages: wells have often drinking water quality; wells are self-made (dug quite deep); tank trucks filled with water; water supply lines tapped; carried home in buckets (physicians later prohibited that)
- Towns: enormous competition; entrepreneurs are bringing water in trucks and sell it (also possible to order – in such cases with the agreement of neighbours)

c) Grosny

- damaged iron conduits in cellars; water flows permanently; people often carry water from there in buckets
- supply lines often damaged or no pressure in conduits
- during hot weather the water is turned off for economy reasons
- Outskirts: water supply lines are always functioning and providing drinking water (in the centre: very different); water conduits in bigger houses are often rusty and old
- During the night water usually is available and rarely during the day."

UNICEF, September 2007:

"The public water supply and solid waste collection system of Grozny, which was showing signs of ageing and deterioration already by the early 90s (most of the pipes had never been replaced since 1956), was heavily damaged during the decade of violence that followed: an estimated 80% of the water network was completely destroyed, which deprived most of the city's population (still some 70% of it as late as in mid-2005) of direct access to potable water. The simultaneous flow of IDPs from Chechnya also increased the number of people in need of water and sanitation assistance in Ingushetia by more than 60%.

For over half a decade, such a critical situation - similar to that faced in terms of sewage and solid waste disposal - also continued to pose a serious threat to public health, both in IDP settlements and in Grozny, in light of the increased danger of outbreaks of water-borne diseases, including among schoolchildren and hospital patients. Until 2006, in fact, the progress made by local authorities in rehabilitating the water and sewage network had barely been noticeable, due to lack of financial resources and the shortage of qualified personnel. Some developments have been taking place in the first half of 2007, with 54 km of water pipes and 45 km of sewage pipes replaced by the public service provider (Grozvodokanal), in addition to the replacement of over 570 hatches and the restoration of 633 wells. However, much remains to be done in this direction: the water pipeline, in fact totals 2,023 km, while the sewage one consists of 510km."

Humanitarian assistance on water and sanitation

ICRC, 27 May 2008:

"Support to water boards shifted from Grozny to rural Chechnya, while a limited number of water and habitat projects were carried out at temporary accommodation centres and collective centres housing IDPs in the three republics.

In Chechnya, with the water boards in Grozny and rural areas still struggling to maintain and restore the water and sewage infrastructure, 42 villages were assessed by the ICRC and seven water supply projects were initiated, targeting 9,300 people. As planned, the PS-1 water pumping station in Grozny, operated by the ICRC since 1995, was handed back to the water board. The Grozny

prosthetic/orthotic centre was reconnected to the municipal water supply system, after being cut off for three years, and the sewage network was rehabilitated. Water supply systems were renovated

in the central blood bank, a home for the deaf, a home for the blind, a diagnosis centre and a kindergarten. In anticipation of winter, social institutions and medical facilities in remote villages received gas heaters."

Reuters, 7 November 2007:

"About 9000 beneficiaries profited from the latest water and sanitary project realised by PHO in Chechnya. Within the project a sewerage system was repaired, 15 lavatories were built, 23 sinks installed and a basement in the hospital number 4 in Grozny was cleaned up. Before all patients from hospitals which received help had to use toilets placed outside of the buildings. Patients and medical staff could not use bathrooms or get ready for operations in proper conditions. Within the sanitary project a water system and a water intake were built outside the buildings of 4 schools and 1 kinder-garden. A facility for medical waste combustion was built in the hospital number 1 in the town of Argun."

Infrastructure

Infrastructure in need of repair and maintenance in Chechnya (2009)

- Water networks, electricity, gas connections and roads are in poor condition
- Local governments do not have the funds to repair this infrastructure

ECHO, 15 May 2009:

"Infrastructure (water network, electricity, gas connections, road systems) in the region is generally in poor condition with cash-strapped local government unable to repair or maintain it, and is particularly a problem in the mountainous villages of Chechnya where government assistance is limited."

ACCESS TO EDUCATION

North Caucasus

Educational system in Chechnya still in repair (2009)

- Over 400 schools and most kindergartens were damaged by the conflict
- Over 140 were being repaired in 2009
- Other problems with the educational system include high student-teacher ratios, lack of professional development for teachers

UNICEF, 2009:

"Currently, out of 437 schools available, 142 schools are under rehabilitation and refurbishment. The programme is funded by the President of Chechnya. The main problems with the educational system in Chechnya are:

- Hot meals not available for children in school
- Lack of methodological literature and learning material for teachers
- Not adequate in-service upgrading opportunities for teachers
- Teacher-student ratio is still high"

Prague Watchdog, 22 January 2008:

"The present winter in Chechnya has probably been one of the coldest in the past few years. In many schools classes have been cut by almost half because of the cold weather..."

"Now one lesson lasts only 20 minutes. It's because the classrooms are horribly cold, and the children simply can't tolerate it any longer than that. What kind of normal education can there be under such conditions? Our children aren't really getting any teaching at all," the woman says angrily. "Why isn't the education ministry doing anything? Why isn't anyone being punished?"

For several years the republic's schools have been heated by small gas stoves and open gas rings because the central heating systems have fallen into disrepair as a result of the military activities. In 2006 Ramzan Kadyrov demanded that gas stoves should be removed from school premises and proper central heating installed. Seda says that before the school year began it was announced that repairs had been carried out in all the republic's schools, and that all matters related to heating were fully resolved. However, she believes that in many schools this was not in fact the case. "Every director, every civil servant in charge of these things needs to be asked why the problem still exists," she says.

According to the director of one Grozny school who does not wish to be named, the heating problems in many schools are the fault of their management. "In my school, for example, everything is fine," he says. "There are no breaks in classes, and we've had no cancellations or cuts in the length of classes (from 45 to 20 minutes, as in some other schools). It's all down to the fact that we used the money we were allocated for the repair of the heating system for the purpose it was earmarked for. But others, in order to save money, or even for some other reasons that I wouldn't want to go into, have not done so. And the result is, as the saying goes, plain to see."

UNICEF, September 2007:

"The education system in Chechnya was heavily battered by the most violent phases of the crisis that hit the republic, as confirmed by assessments conducted by UNICEF and UNESCO in 2001-2002. In particular, it was estimated that, out of just over 400 schools, 38 had been completely destroyed, 50 needed major repairs, 231 required serious rehabilitation work and 60 needed minor repairs, with only 2 schools being still intact. Most kindergartens had also been destroyed or badly damaged. Many teachers had either left or been directly affected by the conflicts, while those remaining had been deprived of technical support and training for more than a decade."

UN OCHA, 12 December 2006:

"In Chechnya, the education system has witnessed some visible progress in 2006, as the republican government managed to attract and allocate additional federal funds for its recovery. According to the Chechen Ministry of Education, while only 54 schools and kindergartens were rehabilitated (mostly without central heating, water and power supply) within the Federal Special Program during the period 2000-2005, in 2006 alone some 46 facilities (schools, kindergartens, sport schools, children recreational centers and houses for teachers) were physically repaired, with the installation of latrines, gas supply and heating systems included. Official statistics from the Chechen Ministry of Education indicate that 98% of school age children (215,000 pupils) - including boarding schools and over 13,000 young people attending evening schools - are currently enrolled in 456 ordinary and 24 evening primary and secondary schools in the republic. Significant gaps, however, remain. According to the preliminary findings of the recent WFP/UNICEF VAM exercise, over 41 % of children aged 7-15 in Chechnya are not attending school on a regular basis. The disruption of school infrastructure, extensive population displacement, and economic hardship seem to be the root causes of this alarming situation. Many schools located in remote areas are still damaged or dilapidated, while classes are often organized according to 2 or even 3 shifts per day. The steady return of IDPs is further compounding the limited reception capacity of the education system. In addition, the availability of textbooks, stationery, school furniture and other educational materials, although recently improved, remains insufficient, particularly in rural schools. Strengthening the technical capacity-building of teachers also remains an outstanding issue. New updated versions of Chechen textbooks should be printed and distributed, so as to support the children's knowledge of their mother tongue."

Majority of children go to school in North Caucasus (2009)

- Displaced children used to be schooled in "parallel" schools since Ingush schools could not receive all children for lack of space
- These displaced children were integrated into the Ingush school system by the 2006-2007 school year
- Majority of children in North Caucasus go to school

UNICEF, 2009:

"All IDP children are provided with free access to education in Ingushetia and Dagestan within the mainstream schooling system. There are no more segregated or parallel schools for IDP children. The prevailing majority of children go to school, for the minority of not attending school the obstacles are: family issues, frequent change of temporary residence, poverty (need to buy school uniform and bag, textbooks, stationery etc)."

UNICEF, September 2007:

"Following the steady decrease in the number of IDP schoolchildren remaining in Ingushetia, UNICEF, in collaboration with its NGO partners undertook consultations with the Ingush MoE,

which led-in the summer of 2006 - to the signature of a MoU whereby 900 IDP schoolchildren were smoothly integrated into the local education system."

Council of Europe, 2 May 2007:

"The Advisory Committee [on the Framework Convention for the Protection of National Minorities] is concerned about difficulties encountered by children living in remote and economically impoverished settlements, whose parents cannot afford to transport them to school...Children belonging to the Dargin minority in Stavropol *krai* also face severe difficulties in this regard, as do the children of Chechen and Ingush displaced persons living in temporary accommodation in Ingushetia.

...There is increasing awareness of the specific educational needs of the children of refugees and internally displaced persons, whose numbers are growing in many Russian cities and towns. For instance, five secondary schools in Moscow have been working jointly since 2003 with the United Nations High Commissioner for Refugees in the Russian Federation to facilitate the social, linguistic and cultural integration of refugee children."

UN OCHA, 12 December 2006:

"Similar structural problems affect access to education opportunities, as well as the quality of services provided for children in Ingushetia and Dagestan. In the latter republic, some 416,000 children are enrolled in 1,664 schools with 389 primary schools located in mountainous rural areas. In Ingushetia, 73,000 students are enrolled in 113 schools, often working in 2 or 3 shifts. However, the VAM exercise found that over 33% of children aged 7-15 in Ingushetia were not attending school regularly either. The situation is particularly critical for displaced children, 37.5% of whom are not attending school regularly. It should be noted that the integration in the mainstream education system of the 1,200 displaced children hosted in the remaining UNICEF-supervised 'parallel' schools in Ingushetia was successfully completed in summer 2006. In terms of educational achievements, the VAM found no indication that femal education is disadvantaged in Chechnya and Ingushetia. On the contrary, girls seem to have a slightly higher school achievement record than boys."

Other areas

Displaced children access education outside of north Caucasus (Special report, 2008)

- All displaced children can now go to school regardless of residence registration
- Some students fell behind since their schooling had been interrupted as a result of a residence registration requirement in the past
- Access to education is limited by finances

IDMC Special report, 2008:

"Article 26 of the UDHR and Guiding Principle 23.1 state that everyone has a right to education and Guiding Principle 23.2 states that primary education is compulsory and free. The education of many displaced children had been interrupted because of a former residence registration requirement and the frequent change of their family residence. The right of displaced children to primary education is now ensured, but parents highlighted the high cost of sending their children to school and attending higher education.

Until 2001, many internally displaced children were denied access to school as they had no residence registration, but then the Ministry of Education ordered directors of schools to enrol children on the basis of their parents' internal passport alone. Now, displaced parents must present their internal passport and the birth certificate of their child in order to enrol their child in school.

Local schools accepted most children of those interviewed, and they studied together with their non-displaced peers. However, many children had not been formally educated between 1996 and 2001 and so had fallen behind. Many families had moved several times, which also interrupted the schooling of their children.

There were schools in all the areas visited, but attendance was not always free. The biggest expenses for parents of displaced schoolchildren were transport and food. Some children received free meals at school, but in Moscow children born to long-term residents received these meals ahead of others. Some displaced parents said schools asked them to pay for renovations and contribute to the salary of the school security guard.

Cost was also the major obstacle facing IDPs hoping to access higher education. Most people who had completed higher education after being displaced had had to work full-time in order to pay for tuition and study materials."

ISSUES OF SELF-RELIANCE AND PUBLIC PARTICIPATION

Self-reliance

IDPs from Chechnya living outside of north Caucasus struggle to find jobs in official market (Special report, 2008)

- IDPs from Chechnya struggle to find jobs outside of north Caucasus because they lack documents
- Some reportedly experience discrimination on the basis of their origin from Chechnya

Memorial, 26 May 2009:

"When looking for a job, Chechens face serious difficulties and often insults. On February 13, 2009, Ms. Fatima Sultanovna Madayeva, born 1966, approached Civic Assistance Committee. More precisely, the day before reception Fatima called Ms. Gannushkina, the Chairwoman of the Committee, on the cellular telephone. The handset first relayed only crying and then a female voice said, "For what? I cannot live like that, I don't want it! Why may they insult me in such a fashion? What specifically have we done to the people that everybody may humiliate us like that?" One should know the usual restraint of the Chechens to understand the condition of this woman. After quieting down a little, Fatima explained that she was walking down the road and crying: she just had been insulted in an atelier where she had wanted to become a seamstress.

The next day Fatima Madayeva told her story at the office of Civic Assistance Committee. She came to her acquaintances with two daughters. Her daughters, 19 and 22 years old, study by correspondence at the Chechen State University. The older Bella is a student of psychological faculty, and the younger Madina is a student of law. Fatima is divorced, so nobody will be able to protect her daughters in Chechnya if somebody wants to force them into a marriage. Three young women wanted to find a job. Besides, the girls wanted to study foreign languages, Madina already began to study Japanese.

Looking for a job, Fatima called all enterprises that announced opportunities in her specialty. There were a lot of opportunities. Fatima called ateliers and clothing factories, asking if they still needed a seamstress and getting a positive answer. Then she told them that she was a Chechen and obtained a negative answer in a rude or apologetic form.

Finally, the atelier TOT-2, JSC she was told that it was irrelevant. Inspired, Fatima went to apply in person. However, they met her in an unfriendly manner and some boss or engineer (the lady didn't present herself) asked her about her nationality and expressed doubt in a Chechen's ability to be a seamstress. In reply to the innocuous question of what they knew about the Chechens, Fatima was said, "I know that the Chechens are gangsters, thieves, murderers and rapists."

The reaction of Fatima to this announcement seemed too acute to the boss. She said, "Here you have revealed yourself, we have Tajiks and Kirghiz working here, but they don't show their pride. You have yet to prove that you are also human." Ms. Fatima Madayeva decided not to prove that she was a human. She couldn't find a job. Civic Assistance Committee send a request to Ms. Valentina Vladimirovna Bryzhalova, TOT-2, JSC director, asking to perform educational work in her organization. The letter came back, despite the address of the atelier and the name of its director being published at a number of advertising web-sites.

Ms. Fatima Madayeva made a number of other attempts of finding a job, but still couldn't find anything. A month of selfless efforts adversarially affected her health, and she fell gravely ill."

IDMC Special report, 2008:

"All citizens of Russia have the right to freely seek work opportunities without discrimination. Article 23 of the UDHR and Guiding Principle 22.1.b set out the right to work and equal participation in the labour market. IDPs reported they were made to present a valid internal passport with registration at their new residence to work in the official market, and experienced discrimination when it was discovered they originated from Chechnya. IDPs with forced migrant status could not access unemployment benefits they are entitled to on account of the need to present permanent residence registration.

The majority of IDPs interviewed have some form of work, but only a minority in the official market. IDPs without residence registration work in the unofficial labour market. One woman in Saint Petersburg was offered work in an insurance company, but could not accept it because the salary was paid only through a bank account and she could not open a bank account without residence registration. People who were highly educated and had previously worked as engineers, university professors, ambulance attendants and librarians, said they were now working as cleaners, cooks, construction workers, dishwashers, flyer distributors, childcare providers and market salespeople. In Veliki Novgorod IDPs were also working in a fish processing plant. Most displaced pensioners interviewed were working as cleaners and bus drivers to supplement their low pension.

In some cases displaced people from Chechnya had been denied employment on the basis of their origin. One ethnic Chechen woman in Moscow told how her husband worked as a police investigator in Chechnya and tried to find such work in Moscow, but was openly refused since he was ethnic Chechen. She reported that she was denied a position as an accountant at a bank on the basis that she was from Chechnya. She was offered the position, but once she handed over her internal passport she was told she did not have the right education. A young ethnic Ingush man was refused work several times in Moscow when it became clear that he had been born in Grozny.

The Council of Europe's European Commission against Racism and Intolerance reported in 2006 that:

"...the majority population increasingly associates Chechens and other Caucasians with terrorists. Most Chechens and other Caucasians are therefore under suspicion; a situation which brings about cases of racial discrimination, for instance in housing and employment sectors...The pressure on Chechens becomes apparently stronger in the aftermath of each terrorist attack against the Russian population".

According to Article 7.2.2 of the law on forced migrants, the authorities shall register forced migrants as unemployed if they cannot provide them with employment, regardless of the period of residence in the given location. In practice, none of the unemployed IDPs with forced migrant status had been registered as unemployed by the local authorities. Furthermore, IDPs and their lawyers reported that unemployment allowances were paid only to people with permanent residence registration. Attempts to contest this in court have been unsuccessful."

Memorial, 31 July 2006, p.24:

"A significant portion of th[ose who have left the North Caucasus to live elsewhere in Russia] have so far failed to integrate themselves into local life on the territory of Russia...There are no organizations in Russia which would provide internally displaced persons with housing, jobs or financial support. Since 1999, a forced migrant status has been the only thing that gives IDPs a

hope to get a minimum support from the state and also serves as some guarantee that his social rights could be fulfilled."

Ganushkina 2004, pp. 58-60:

"Although the law forbids turning down job applications for reasons unrelated to the worker's qualifications, such as ethnicity or place of residence, in practice both of these factors constantly serve as a barrier for Chechens in their job search, the former (ethnicity) to a much greater extent than the latter (registration). Both employers and workers think that the absence of registration is perfectly legal reason to turn down a job application. Most of them react with surprise and even doubt when told that this is not a legal basis for denying employment. But openly refusing a candidate on the basis of his or her ethnicity is something most employers didn't dare do, preferring to give the candidate some other kind of reason for the rejection. However, recently Chechens have been told the real reason in a straightforward fashion; ethnicity, is more and more frequently named when they are shown the door. In so acting, employers expect understanding and often get it. People get used to such a situation and begin to see it as a norm.

[...]

It can be said for certain that over the last year the financial situation of Chechens (particularly IDPs) in Moscow and the city's environs has grown worse. A group of Chechens, having either failed to find jobs or lost them were deprived of the opportunity to rent housing in Moscow and provide for their families, and so returned to Chechnya – to ruins or to the houses of relatives already teeming with people. Those who remain in Moscow can barely make ends meet."

IDPs depend on social benefits as source of income (2009)

- Social welfare payments are a main source of income for many people in Chechnya
- There is a need to inform people what their entitlements are and how to obtain them
- These provisions are also affected by corruption
- Over 40,000 displaced pensioners receive a pension lower than they are entitled to
- The government has not put a mechanism in place to solve the issue of burned archives during the war
- As a result, many elderly work to make ends meet
- European Court of Human Rights has complaints from Russian citizens about the non-payment of pensions

FEWER, 26 June 2009:

"Housing compensation, pensions, unemployment benefits, childcare assistance and other social provisions are significantly affected by corrupt practices among mid-level officials and the 'clan-grid' governance system. The problem can be addressed by the Russian government on its own if it keeps up the level of payments in line with inflation and ruble rate fluctuations, and tackles corrupt practices around such payments in a determined manner. However, there is a high risk of a downturn in benefit payments and re-emergence of severe delays due to the economic crisis and the growing burden of unemployment. Failure of the compensation and benefits system in the region where a significant part of the population depends on it as the only economic survival life-line may have serious humanitarian consequences.

A positive development, however, has been the restoration of the benefit and compensation systems across the region. In spite of the reports of corrupt practices (extortion of bribes from the population in exchange for unconstrained payment of benefits), the reality on the ground is that the pensions and other benefits (e.g. housing compensations, childcare support etc.) are paid

almost regularly and relatively reliably. The provision of health and education services has also been visibly improved, especially in Chechnya."

ODI, 28 February 2009:

"Given the high levels of unemployment, pensions and social welfare payments are especially important. There are subsidies for children, the elderly, veterans, the disabled and the unemployed (see Table 4 below). Three sources of income were consistently highlighted during interviews: temporary jobs in construction, for both men and women; social welfare payments and humanitarian assistance (cash and food)...According to a 2006 Tango report, almost 90% receive some form of assistance, and welfare accounts for more than half of household income. Reportedly, these payments have increased five times over the past two years (Robinson, 2008: 48). A fifth of the population are on pensions...[However] many people simply do not know what their entitlements are, or the process they need to follow to obtain them."

IDMC, 30 June 2008:

"Many displaced pensioners receive a pension lower than they are entitled to because the necessary documents and their archives were destroyed during the conflict and no mechanism has been put in place to rectify the issue. While some displaced pensioners managed to receive their entitled pension through the courts, decisions on this have varied with most pensioners left with a minimum pension. The majority therefore continue to receive a pension that does not reflect their work experience and work in order to make ends meet.

To receive a pension that corresponds to their professional experience, Russian citizens must submit their work booklet and salary certificate. In lieu of these documents, they can present a Communist party, trade union or Komsomol (Communist youth league) card to determine their salary scale according to dues paid.

People who fled Chechnya without these documents have faced difficulties having them reissued where the archives holding them were destroyed during the conflict. Guiding Principle 20 sets out that government authorities must facilitate the issuance of new or replacement documents lost in the course of displacement and Guiding Principle 29.1 states that IDPs should have equal access to public services. To date, a mechanism has not been put in place for these IDPs to receive the pension they are entitled to. As a result, they receive only a minimum pension. According to the Commissioner for Human Rights of the Russian Federation, there were as of 2003 around 40,000 internally displaced pensioners from Chechnya who were in this situation, and the number was rising.

The average monthly pension in Russia at the end of 2007 was about \$140 (3,300 roubles)³⁰. Most internally displaced pensioners interviewed were receiving a monthly pension of approximately \$85 (2,000 roubles) and were struggling to make ends meet. Some were receiving less, and only a few were receiving the pension they were entitled to. Most reported that they had to work full-time to pay all their bills and cover their expenses.

Some internally displaced pensioners had managed to obtain a pension based on an average monthly salary for their work experience through the courts. However, there is no instruction for the courts to employ this practice and so only some courts have applied it and even then on an irregular basis. The municipal court rejected the claim of one pensioner in Rostov for his pension to be based on the average monthly salary for the positions he had occupied, on the basis that there was no law regulating such payments.

Pensioners in Chechnya who do not have the documents necessary to receive the pension they are entitled to receive a financial supplement issued by the government of the Chechen Republic based on their work experience. However there is no such provision for pensioners living elsewhere in the Russian Federation, to whom local authorities are unwilling to allocate money

from their limited budgets. The Commissioner for Human Rights of the Russian Federation has acknowledged that internally displaced pensioners from Chechnya living outside of Chechnya cannot access their full pension entitlements, but the issue remains unresolved."

Bundesasylamt-Staatendokumentation, 30 May 2008:

"Other remarks by interviewed [Chechen] people

- Pensions are often paid out only against bribes, amount depends on bribe
- One has to pay also for the acceptance of an application for a pension
- Pension system has functioned, but not without difficulties
- Contacts had to be used in order to receive the pension amount"

EHRAC, 2008:

"The ECtHR is flooded with complaints against Russia for its failure to execute domestic court judgments regarding such issues as the payment of pensions, teachers' allowances and other financial obligations of the State."

IDPs still have trouble earning a stable income (2009)

- Lack of stable income is preventing IDPs from achieving durable solutions
- Poverty still rife in North Caucasus, but it has shifted to the countryside
- IDPs who have been able to return have done so; those who remain in displacement are in most vulnerable position
- Numerous obstacles to business remain, such as poor access to credit and low purchasing power of consumers
- Youth make up 30-40 per cent of population, but face a lack of work opportunities

UN, 1 July 2009:

"While large scale military actions ceased years ago, the region is still characterized as a post-conflict environment with significant challenges and needs. UNHCR's Global Needs Assessment (GNA) conducted in early 2009 identified that over 60,000 persons in four republics of the North Caucasus, where UNHCR operates, (Chechnya, Dagestan, Ingushetia, and North Ossetia-Alania) still need to find a permanent home - some of these 60,000 persons have a forced migrant status granted by the Russian Government and some do not.

Unlike in some other countries, the level of legal protection these people can enjoy is relatively high in the Russian Federation. Nevertheless, the GNA confirmed that permanent shelter and stable income are the two major factors preventing the achievement of durable solutions - either returning to their places of origin or integrating in the current location. The federal and republican governments have launched programmes, especially in Chechnya, to resolve the housing and livelihood problems. UNHCR, together with other members of the humanitarian community, will run projects to compliment the governmental efforts in 2009 and beyond."

FEWER, 26 June 2009:

"However, it is also important to note that the population in Chechnya, Ingushetia, and other republics has learned to rely on the alternative shadow economy and clan based mechanisms of income-generation (only marginally covered by economic assessments). The strength of clan-groups is partly explained by support from the people who benefit through the down-the-line transfer of financial and other resources managed by a given clan. This, coupled with transfers from relatives living in major Russian cities and small trade, may cushion the impacts of the crisis on the very poor..."

DRC, 31 January 2008:

"Remaining caseload of the DRC beneficiaries belong to the most vulnerable part of population that are needy in connection with lack of provider, many children, illness, disability and most often in this or another way entitled for some of the state benefits described in the Ch. 5.1 above. Size of these benefits is comparable with the support provided by the DRC either in a form of food distribution or as a cash transfer. Unfortunately DRC's beneficiaries are not always aware of the benefits that they are entitled to and hence unable to press for their rights, thereby becoming easy targets for corrupt officials. Several examples of money extortion connected to obtaining social benefits mentioned by beneficiaries during the interviews point at corruption as one of serious problems affecting many of DRC's clients. "

WFP, 1 January 2008:

"Since the cessation of the conflict, the federal Government has increased the financial support for Chechnya's recovery. This financial injection has started to generate temporary employment, particularly in the urban centers, while livelihoods in rural areas, compounded by insecurity, have stagnated.

The humanitarian situation in Chechnya and Ingushetia remains serious. The 2006 WFP-led Inter-agency VAM Assessment revealed endemic income poverty among the conflict-affected population. Nearly 80 percent of the people surveyed failed to reach the Russian Federation poverty cut-off level of US\$2.25 per person per day and the average daily income reported was as low as US\$1.31 per capita.

A comparison with an earlier ICRC survey indicated that a significant number of households have, in fact, become worse off over the past two to three years, particularly in the mountainous areas of Chechnya and among the IDP population in Ingushetia. The VAM Assessment also revealed an alarming incidence of global acute malnutrition among 10 percent of the surveyed children."

WFP, UNICEF, 3 April 2007:

"The first conclusion from this study is that income poverty is still endemic in the region, and the progress toward recovery has been irregular and sporadic. Large segments of the population remain mired in poverty - severe poverty by any comparative measure - and, in some cases, significant numbers of households have become worse off over the last 2-3 years, despite the cessation of open conflict. The survey results have identified evidence of the impacts of reconstruction in the urban areas of both Chechnya and Ingushetia.

Poverty in urban Chechnya and most of Ingushetia (e.g., Nazran, Malgobek) has decreased and incomes appear to be more stable. While unemployment rates remain high, government investment has created some opportunities and should continue to do so, assuming improved security. On the other hand, poverty has shifted to the countryside. In the rural areas, especially of Chechnya and most intensely in the mountain villages, poverty has increased and there are few signs of livelihood recovery. The rural villages are becoming increasingly income poor by either an estimated income or expenditure measure, and their populations are suffering from on-going threats to their food security. They are relatively less healthy, less educated, and more indebted.

The other highly vulnerable segment of the sample consists of the IDP households in Ingushetia. Fully 85 percent of these households classify themselves as poor, and 14 percent state that they have fallen into poverty since 2004. For every economic and food consumption indicator, this group demonstrates that it survives only on the margin. As the IDPs able to do so have moved back to Chechnya or been effectively integrated into Ingush society, those that remain are the homeless and the asset-less whose traditional safety nets and kin-based networks have been compromised by warfare."

UN OCHA, 12 December 2006:

"Although many economically disadvantaged and conflict-affected groups in the region have restarted economic activities and have thus begun the transition from dependency on humanitarian assistance to active employment, among the dissuading factors for doing business in the region entrepreneurs note primarily access to finance but also funding conditions, legislative environment, access to information, purchasing power of local consumers, unfavorable legal framework and lack of skilled professionals.

Enhanced access to credit is at the top of the government priorities. Most entrepreneurs today access financial resources not through banks, as they lack the required collateral, but by borrowing from family, friends or private lenders. Even these sources of finance, as research shows, are becoming more "commercialized" when the borrowers have to pay interest. In order to boost employment and enhance livelihoods in the region, there is an urgent need to provide alternative sources of accessing credit through e.g. micro-credit funds, cooperatives, and/or establishing leasing mechanisms. Entrepreneurs also face problems at the conceptual level and lack skills to formulate business concepts and develop business plans necessary for accessing credit.

The lack of employment opportunities is a critical issue for the youth who represent 30-40% of the population and the bulk of the unemployed in the region. While young people have energy, creativity and relevant skills, there are no targeted mechanisms in place in order to ensure that young people find and seize opportunities for decent and productive work that will allow them to become independent and responsible citizens."

Youth in North Caucasus most idle youth in Russia (2009)

- A project launched in 2008 will address the needs of vulnerable young people in the North Caucasus
- North Caucasus has the youngest population in Russia; this is a major asset
- But North Caucasus also has highest percentage of youth neither in school nor work
- Youth in North Caucasus face lack of employment opportunities, growing health risks
- Biggest obstacle to youth employment in North Caucasus is mismatch between skills youth have and jobs available

UN, 12 November 2008:

"World Bank and UNICEF start a joint two year project in the North Caucasus this November. The project addresses the needs of vulnerable young people in the North Caucasus region by adopting a strategic approach which incorporates life-long learning for skills and competencies, healthy behaviors and livelihoods. World Bank's report published in 2006 reveals that the North Caucasus has the highest rate of youth being neither in school nor work in the country, which is from two to seven times higher than the national average of 10 per cent. The new project will establish education/recreation centres to provide life skills, information technology and other employment related training and organize leisure activities for adolescents and youth. A special fund will award grants and assist with small and medium business development."

World Bank, 31 December 2006:

"The North Caucasus is the most disadvantaged region in the Russian Federation. The region is characterized by high levels of poverty (over 40 percent in Ingushetia, Kabardino-Balkaria and Dagestan);1 large youth populations (21 per cent in Southern Russia and 36 percent in the

Republic of Ingushetia);² poor educational preparation for the job market and low youth employment rates (26.5 percent in the Southern Federal Region as a whole³); significant linguistic and ethnic diversity; and the presence of numerous security risks, including that of violent conflict

and religious extremism. In addition to unsuccessful school-to-work transitions, youth nationwide, as well as in the North Caucasus face an array of growing health risks that include substance abuse, sexually transmitted infections (STIs), the spread of infectious diseases (including HIV/AIDS),

lack of knowledge about health issues, and, in Ingushetia, malnutrition.

Despite acute development gaps, the North Caucasus has a major asset that Russian Federation as a whole does not: young people. It is the region of the country with the youngest population. The Russian State Committee for Statistics estimates that the population of the Russian Federation in 2006 is 142.5 million, down from almost 148.3 million in 1996— a decrease of roughly 5 million over a ten-year period. The population is, moreover, currently decreasing by approximately 700,000 a year. Not only are fewer people being born in Russia—the current fertility rate is below the replacement level—but many working-age members of the population are dying at young ages due to a catastrophic rise in non-communicable diseases (especially cardiovascular disease) and injuries [...]

Youth in the North Caucasus have the highest rate of idleness (percentage of youth neither in school nor work) in the country, ranging from two to seven times the national average of 10 percent.

The biggest obstacle to youth employment is the skills mismatch between the educational system and the job market, together with corruption in the educational system. Too many youth are being trained in professions in which there are no jobs. As a result, young people desperately need practical job experience and skills.

Young people are interested and motivated to pursue self-employment, but require additional support and training to do so.

Whereas most young people in the region strongly identify with their religious traditions, they clearly recognize the threat of Islamic extremism. They advocate higher-quality private religious education and better training of religious leaders as potential means of combating extremism.

In addition to Islamic extremism, young people consider the corruption of republic and local authorities, including local police forces, an important security threat to their communities."

Chechnya: unemployment still high (2009)

- Officially, some 400,000 people are unemployed in Chechnya - or about 50 per cent, but it could be higher
- The only jobs available in Chechnya are in construction or police, and this is an incentive for IDPs to return
- Oil and agro-industry processing are the only industrial activities
- There has been economic improvement in urban areas

ODI, 28 February 2009:

"The conflict devastated Chechnya's infrastructure, industry and agriculture, resulting in widespread unemployment and poverty. Apart from the oil industry and three small agro-industry plants processing dairy products, flour and honey, no other industrial activities exist (Robinson,

2008). Figures from the Russian Federal Government Statistical Committee put the official unemployment rate at 34.73%...

the economic revival in urban areas, fuelled by federal money, is undeniable. In 2007, 11 billion roubles were transferred (Memorial, 2007), rising to 30 billion in 2008, with 110 billion planned between 2008 and 2011. The vast majority, 83.4%, of Chechnya's budget is supplied federally, and only 16.6 % sourced locally (Robinson, 2008).

In Grozny, 96 municipal houses and more than 100km of road were rebuilt in 2007 (Swisspeace, 2008). This rapid reconstruction is apparently linked to Chechnya's role in Russia's oil industry: Grozny is an important oil-producing hub and a strategic point along the oil pipeline from the Caspian Sea to Russia. In April 2008, production levels were 1.2 million tonnes per year (15.33 million barrels), worth an estimated \$1.92 billion. With oil revenues of \$12.8 million in 2007, oil is an important source of income for the republic (Robinson, 2008)."

ACCORD, 30 April 2008:

"According to WHO, WFP and UNICEF, the republics of the North Caucasus are still rather poor, with unemployment rates of 50- 60%. Recently a lot of inhabitants of Chechnya have started to work for the construction programmes, and the government claims they are paid 12 dollars a day. One of the reasons why IDPs come back from Ingushetia is that there are now job opportunities in Chechnya, at least in Greater Grozny."

Jamestown Foundation, 29 May 2008:

"The assassination of rank-and-file policemen is always condemned by the public because many of them have joined the force as the only available way to earn a living. It should not be forgotten that the educational system, which would have given many people a chance to learn marketable skills, has been missing in Chechnya for the last 18 years. Today the only opportunities available in Chechnya are in the construction business or the police."

Prague Watchdog, 13 January 2008:

"Post-war Chechnya has one of the highest unemployment rates in Russia. Reported figures show that only every fifth Chechen is in work. The authorities, realizing that unemployment levels are directly related to the stability of the republic, make attempts to counter this negative factor..."

It is quite possible that the unemployment rate in Chechnya has been exaggerated. But not by much. If a man is receiving unemployment benefit, his family receives a discount on public utility bills. Last year there were several cases where the prosecution found evidence that benefits had been obtained by men who were in work. Such misdemeanours are punished by large fines. People then complain to the human rights workers and the parliamentary commission.

In one case, criminal charges were filed against a woman who had received benefits, and she appealed to Parliament to investigate the matter. It turned out that she was employed in a rural café, and thus, in principle, had committed an offence. The prosecutor's office publicized the case widely, but parliamentary deputies intervened on the woman's behalf, and the charges were dropped.

A spokesman for the Chechen Department of Employment says that there are a fair number of such cases, and that quite often people will go to any lengths to grab money from the state...

The problem of bribe-taking in Chechnya is also a very expensive one. The money involved would be sufficient to buy any kind of social support, pensions and disablement benefit for any group. The scale of the bribery is enormous. But people break the law because they have no prospects, and because of the lack of jobs. So independent observers believe that the fight

against unemployment should not start from below, but with certain concrete steps. Unemployment is at critical levels, and threatens with the risk of social disruption.

There is an official total of around 400,000 people who are registered as unemployed in Chechnya. The Department of Employment pays each of them 720 roubles per month. In addition, there is a national training program to prepare young people for certain professions: driver, tailor, programmer, etc. But this meagre sum is wholly insufficient to deal with such a difficult situation."

Chechnya: IDPs have still not re-established livelihoods (2009)

- Chechens were predominantly engaged in agriculture prior to the conflicts
- They have still not re-established livelihoods because of insecurity, unrepaired infrastructure and lack of investment capital
- Social benefits and networks have been two major safety nets that vulnerable families have depended on
- Most disadvantaged are those families who have lost support of extended networks

ECHO, 15 May 2009:

"Livelihood support

For the majority of the population, income and jobs are the main concerns, with unemployment as high as 67% in Chechnya according to the Russian Statistics Management. This agency reports that 321,400 people are unemployed but only 229,000 receive unemployment benefits. While food insecurity in the humanitarian sense is no longer an issue, the high level of income insecurity continues to be a serious problem, with the North Caucasus region having the highest poverty rate in the country. A recent study suggested that about 20% of the population in Chechnya/Ingushetia is "truly food insecure and destitute". Institutional systems such as pensions and banks, and the economy are functioning now, but not fully, and corruption and bad governance continue to be serious obstacles to recovery. In this precarious environment, relief assistance still provides a safety net for the most vulnerable households. There is no problem of supply of basic food and non-food items. These items are available at markets and shops. The underlying problem for this group of population is the lack of income and absence of regular income opportunities. When asked what their greatest needs are, the majority of potential beneficiaries consistently say they need jobs and an income; help with farming and income generating activities being the most frequently specified."

ODI, 28 February 2009:

"Ethnic Chechens were predominantly engaged in agriculture and low-paying jobs [during Soviet times] due to the preference accorded Russian Slavs in professional and public service employment. Chechens were employed in large collective vegetable and olive farms..."

Three sources of income were consistently highlighted during interviews: temporary jobs in construction, for both men and women; social welfare payments and humanitarian assistance (cash and food). People reported earning approximately 500 roubles per day (€15) as construction workers, particularly in urban centres. This has increased employment, but apparently has not created a more sustainable jobs market. Many people said that public construction work was controlled by public officials, who had to be bribed before awarding jobs. Others complained of not being paid or being underpaid. In urban areas, women spoke of trading in clothes and food, earning 500 roubles a day when work was available. Other jobs included the civil service and the professions, although corruption is a major factor here as well. Interviewees said that it was almost impossible to get a job without contacts, and even then jobs were only

secured with payment of half the salary for six months to the person who had secured the work. There is little job security, and people can be usurped from their position by a competitor prepared to pay more for it. The Russian federal authorities have stopped recruiting Chechens into the army. Although some are employed in local republican forces, these jobs are considered high risk. Others mentioned remittances as an important source of supplementary income, particularly for urban populations.

In rural areas people also highlighted construction. Farming (growing potatoes, fruit and vegetables) was mainly at subsistence level, and people complained of a lack of water, equipment and tools. There were concerns about access to pastureland due to insecurity and landmines. Access problems also prevented people from gathering wild foods, including chermsha (wild garlic), nettles and berries, in the past an important source of food and income."

WFP/UNICEF, 3 April 2007:

"Whereas urban areas can respond more quickly to a reconstruction program, rural livelihoods have not been able to re-establish themselves. The reason for this stagnation is two-fold. First of all, the security situation is still extremely precarious. There is a strong military presence throughout Chechnya's plains and mountain regions, and local villagers have fear of returning to abandoned pastures, fields, and forests. Many rural households supplemented their incomes (and diets) with the gathering of forest products such as wild garlic (a major cash crop), but no one ventures into the forests anymore for fear of lives. The cattle herds, which were held primarily in private hands rather than state enterprises, remain decimated, and they have not been reconstituted because of the inability to fully utilize more distant pastures. The second reason is the lack of private capital to invest in agriculture. Irrigation systems have been destroyed and are no longer operable, and much farmland remains uncultivated for lack of seeds, tools, and equipment. At the same time, agricultural markets for outputs and inputs are not fully functional, and farmers complain that prices are far too low. Thus, in areas where rural livelihoods were diversified and mostly self-sufficient, combining production for consumption and for market, families are now forced to purchase the vast majority of their basic food basket with small, unstable incomes.

It is justified to say that the two major safety nets, after food aid, that have supported the most vulnerable households have been government social transfers and local social capital. In the former case, over 89 percent of the households receive one or another form of pension support - either for their children, for disability, or for unemployment. The pension is the most stable source of income for most families and, even when the amount is small, does provide a minimal buffer against the uncertainties of poverty. In qualitative interviews, many individuals stated that their main survival strategy was to overcome the bureaucratic hurdles and pursue a government disability status (even for a condition such as near-sightedness). The truly disadvantaged households are those who have lost, for whatever reason, the support of extended family, friends, and broad kin and clan-based networks. In both Chechnya and Ingushetia, active clan membership represents access to a large stock of social capital. Clan and kin provide opportunities for employment, shopkeeper credit, food-sharing and gifts of food and money, even start-up capital for business enterprise. The loss of kin-based support is often catastrophic for vulnerable families. In the qualitative interviews, the most predictable story of personal woe and tragedy was that of separation from the village and the family networks - the loss of a breadwinner son, the abandonment of the village because of conflict, and so forth. Kin-based mutual support is an embedded cultural value in Chechen and Ingush society, and it provides a major safety net for the vulnerable households. "

Access to courts

Legal assistance and the courts not always accessible for IDPs from Chechnya living outside of the north Caucasus (Special report, 2008)

- IDPs from Chechnya living outside of the north Caucasus cannot always access legal assistance and the courts
- IDPs and their lawyers fear negative consequences if they apply on a sensitive matter, some issues can only be solved through the courts in Chechnya
- Court decisions not always implemented and legislation not always enforced

IDMC Special report, 2008:

"The government has a responsibility to provide protection and assistance to IDPs, who have a right to an effective remedy and protection of the law equal to other citizens. Guiding Principle 3 sets out the State's responsibility to provide protection and assistance to IDPs, and Articles 7 and 8 of the UDHR states that all have equal protection of the law and right to an effective remedy. IDPs have applied for legal redress on issues concerning property compensation, identity confirmation, establishment of facts (mainly relating to property and work history), confirmation of family connection and compensation for moral damages. IDPs cannot always access legal assistance and courts because lawyers and IDPs fear negative consequences if they apply on a sensitive issue and some issues can only be solved through the courts in Chechnya, presenting a risk to the physical security of applicants. Even then, court decisions are not always consistently implemented and legislation is not always enforced.

Some lawyers are unwilling to represent IDPs against local or regional government bodies. A Chechen woman in Veliki Novgorod explained how two lawyers had turned down her case on the alleged wrongful imprisonment of her husband because they feared losing future work or even their professional certification. IDPs who worked for the government were concerned that they would lose their job if they applied to the court on a sensitive issue.

Other factors preventing IDPs from seeking legal redress were their poor health, long decision-making times, reports of corrupt decisions and the high cost of lawyers. Additionally, many victims reported that they were afraid to register complaints because of possible retaliation against them or their families. According to the Commissioner for Human Rights of the Russian Federation, residents of Chechnya are often subjected to harassment after submitting a complaint to the European Court of Human Rights.

Lawyers representing IDPs explained that they generally lost cases on housing provision, eviction from TACs, reinstatement of forced migrant status and compensation for moral damages. However they had won cases on establishment of facts, on property ownership, forced migrant status (mainly for ethnic Russians) and a small number of eviction cases. Decisions on cases related to pension payments seemed to depend on the court.

Court decisions are not always implemented. In Rostov, a woman's husband had gone missing in Chechnya when he was still owed some \$1,300 by his employer. She had managed to get a court order in Chechnya for the amount due, but the employer had never paid up. The decision had since expired and she had to go back to court.

Nor do courts always enforce legislation. For example, Presidential Decree 898 rules that those who suffered or lost family members during the conflict in Chechnya should receive financial compensation. However, none of the eligible IDPs interviewed had received compensation. Some had reportedly received this compensation in Volgograd, but awards were apparently inconsistent as there were not enough funds allocated to this programme. Applicants in Rostov were told that

the decree was not active since it was not registered at the Ministry of Justice, and so no one had received this compensation there.

Disputes over property in Chechnya can only be solved through the courts there and the poor security situation prevents IDPs from applying to the court. Those with contacts in Chechnya may pass the case on to a local Chechen lawyer and apply to the court *in absentia* after assigning power of attorney. However, this is not a realistic option for most IDPs."

Access to the European Court of Human Rights (2009)

- The Court is the only judicial body where victim of human rights violations in Russia can obtain compensation
- Russia has been tasked with reopening investigations for some cases, but they have yet to be concluded with fruitful results
- There is still no accountability for perpetrators of human rights violations in the North Caucasus
- Pressure on lawyers has prevented victims of human rights violations from bringing applications to the European Court, or has caused them to withdraw their application

European Court only possibility for justice

Grouping of NGOs, 8 February 2008:

"Although there's currently a dialogue between the Council of Europe (in particular, the Committee of Ministers and the Commissioner for Human Rights) and the Russian authorities on the issues concerning execution of judgments in the cases of human rights violation in the Chechen Republic, this dialogue has not yielded any significant results (like prosecution of those most responsible for the grave human rights violations found by the European Court)..."

The European Court of Human Rights has been (and, in view of the ineffectiveness of domestic investigations, largely remains) the only judicial body where a victim of grave human rights violations could assert his or her rights and obtain just satisfaction. However, besides the common problems experienced by the Court (such as the excessive length of proceedings, often 5-7 years), it has failed to take measures to increase its efficiency in dealing with cases stemming from the armed conflict in the Northern Caucasus...

It is submitted that the Russian domestic legal system alone is manifestly incapable of providing redress to victims of human rights violations in the Northern Caucasus. Consequently, it is necessary that international organizations – first and foremost the Council of Europe and the European Court of Human Rights – develop a strategy necessary to address those violations. The above submissions may prove helpful in forging this strategy."

Victory has been a mixed experience

HRW, 27 September 2009:

"For the victims and relatives of victims who have won cases from Chechnya at the European Court, victory has been a mixed experience. While the applicants have received from the Russian government the financial compensation awarded in the court's judgment, they continue to strive for justice for the crimes they and their loved ones have suffered and for knowledge about the fate of their killed or disappeared relatives."

Subsequent investigations have not given applicants peace of mind

HRW, 27 September 2009:

"Since the first judgments in 2005, dozens of cases from Chechnya have come under the supervision of the Committee of Ministers of the European Court. Throughout this time Russia has been corresponding with the Committee of Ministers regarding its steps to implement both individual measures in each case and general measures to prevent similar violations from occurring.

After arriving at the Prosecutor General's office in Moscow, cases which have been decided by the European Court but require further investigation are forwarded to the relevant investigative directorates of regional prosecutors' offices for further investigation. In Chechnya, the Second Department for Particularly Important Crimes of the Investigative Committee of the Chechnya Prosecutor's Office (also known as the Second Department) is responsible for the investigations into cases which are the subject of judgments by the European Court.

As indicated in this report, although the Investigative Committee has been functioning for nearly two years and has direct supervision over investigations in European Court cases, including those from Chechnya, investigations into violations in cases from Chechnya found by the European Court have so far been no more fruitful or led to any more meaningful results than prior to the Investigative Committee's creation."

Pressure on applicants, their lawyers and family

NHC, 30 April 2008:

"In relation to the 26 court decisions from the European Court, it remains unclear whether Russian authorities will execute the decisions in full, i.e. conduct effective investigations and prosecute the many servicemen implicated in crimes described in the Strasbourg decisions. As noted above, pressure against applicants has continued after their cases have been decided in Strasbourg, possibly aimed at impeding the full execution of the Court's decision."

CoE, 2 October 2007:

"6. Illicit pressure has also been brought to bear on lawyers who defend applicants before the Court and who assist victims of human rights violations in exhausting domestic remedies before applying to the Court. Such pressure has included trumped-up criminal charges, discriminatory tax inspections and threats of prosecution for "abuse of office". Similar pressure has been brought to bear on NGOs who assist applicants in preparing their cases.

7. Such acts of intimidation have prevented alleged victims of violations from bringing their applications to the Court, or led them to withdraw their applications. They concern mostly, but not exclusively, applicants from the North Caucasus region of the Russian Federation. Cases of intimidation concerning other regions of the Russian Federation, as well as from Moldova, Azerbaijan, and – albeit less recently – Turkey have also been brought to the attention of the Parliamentary Assembly."

DOCUMENTATION NEEDS AND CITIZENSHIP

Documentation needs

Documents required for IDPs to access assistance, services and other rights (2003)

- IDPs should have both residence registration with the local office of the Ministry of Interior and registration under Form 7 with the Migration Services in order to access all state assistance and services available to them
- Residence registration permits access to rights such as medical care, education, birth registration and social benefits
- IDPs who are registered under Form No. 7 are included in government IDP statistics and are eligible to receive state humanitarian assistance

UN OCHA November 2003, p. 151

Registration by the departments of visas and registrations under the Ministry of Interior (OVIR): Under the 1993 RF Law on Freedom of Movement, every citizen of the Russian Federation shall be registered by interior organs at his/her *place of residence* and, in case of temporary stay in another location, at his/her *place of sojourn*. The registration system is aimed at facilitating the enjoyment by citizens of their rights in their place of residence or sojourn. Possession of registration conditions access to medical care, education, social allowances, etc. Non-possession of registration in one's place of sojourn is an administrative offence that can be punished by a fine. While several thousand IDPs are not properly registered at their 'place of sojourn' in Ingushetia, this has generally not affected their access to medical care or education services. However, several instances were documented where registry offices (ZAGS) refused to issue birth certificates for babies born from IDP parents who did not have sojourn registration in Ingushetia.

Temporary identification documents: The legal age in Russia for possession of an identification document (in Russian: 'passport') is 14. Local bodies of the Interior have been issuing temporary identification documents (so-called Form 2П) to IDPs who were not in possession of (internal) passports (e.g. because they had lost it). Form 2П is of limited validity (generally six months) and is renewable. Issuance in Ingushetia of identification documents ('passports') to teenagers turning 14 and of temporary identification documents to IDPs who had lost them, has been an essential endeavour of the local bodies of the Interior: it greatly enhanced the freedom of movement of the concerned IDPs, by allowing them to visit (or return to) Chechnya or travel onwards to other regions of the Russian Federation."

UNHCR February 2003, paras. 66-70:

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

Form No. 7, entitled '*Registration of a family arriving under emergency situations*,' is issued by the local migration bodies for the purpose of statistics and distribution of Government's humanitarian assistance. It is provided for under Letter of Instruction No. 19 of 31 March 1997 issued by the Federal Migration Service. It is not an identity document. It is meant to be used by the migration authorities during situations of mass influx and reception, on the territory of the Russian Federation, of citizens who left their place of permanent residence for reasons stipulated under Article 1 of the Russian Federation Law '*On Forced Migrants*'. Form No. 7 is issued to all members of a family including children above the age of 14 years. Persons who are under 14 years of age are recorded on their parents' form."

UNHCR, January 2002:

"Under Point 2 of the [Article 1 of the 1995 Federal Law 'On Forced Migrants', it is further stipulated that, '(...) shall be recognised as a forced migrant (...) a citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a subject of the Russian Federation and came to the territory of another subject of the Russian Federation'. Hence, persons who were displaced within Chechnya itself (approx. 160,000) cannot, under the current law, do not qualify for forced migrant status."

For more information on the "forced migrant" status, see [IDPs considered "forced migrants" under Russian law \[Internal link\]](#)

Documentation situation of IDPs in Chechnya (2007)

- A 2007 survey showed that 90 per cent of IDPs interviewed in Chechnya were registered with the Migration Services, though in Gudermes only 13 per cent had such registration
- Almost all interviewees had an identity document, while 62 per cent had a passport and 37 per cent had a birth certificate

UNHCR, 30 June 2007:

"The survey captured almost all families de facto residing in 32 TACs and TSs in the republic of Chechnya. Overall, 2,894 families/ 12,752 persons were interviewed [...] More than 99% of the surveyed population is in possession of a valid identity document, a passport (61.5% of the total surveyed population), a birth certificate (37.0%) or a temporary residence certificate (0.7%).

Out of the surveyed population, some 11,481 persons (90.0%) reported to hold a registration with the Migration Service. The gender breakdown is almost identical to the overall one (54.4% women, 45.6% men). The geographic breakdown reflects the general population breakdown per region, with the exception of Gudermes, where only 13.4% of the surveyed population is in possession of the MS registration."

IDPs with forced migrant status (2009)

- About 6,300 people have forced migrant status in Ingushetia
- Newly displaced Chechens were refused the status starting in 2001
- About 98 per cent of those who fled during the second war did not receive the status

UNHCR, 20 August 2009:

"4850 (1500 families) Forced Migrants from Chechnya and 1514 (542 families) Forced Migrants from North Ossetia –Alania are registered currently by FMS Department in Ingushetia."

ODI, 28 February 2009:

"Displaced populations were accorded 'forced migrant' status by the FMS. While concerns have been raised about the narrowness of the definition of 'forced migrant' as compared to 'IDP' under the Guiding Principles on Internal Displacement, this status allows for one-off financial assistance,

temporary accommodation, compensation for travel expenses to the area of temporary residence, housing loans and free medical assistance (IDMC, 2008: 8). Beginning in 2001, however, newly displaced Chechens were refused forced migrant status by the Russian authorities.

In 2002, the Chechen authorities began to press actively for return by closing camps and providing

transport, and people were told that they would be given compensation if they went home (one woman in Grozny told the team that, although she was promised compensation, she had received none). Pressure from the Chechen and Ingush authorities increased in 2004, when several temporary settlements were closed and gas and water supplies cut off to a number of TACs (interviews: Grozny, Serzhen Yurt). As part of its continuing efforts to portray the situation as 'normalised', the government is attempting to control the use of the terms IDP and TAC, instead claiming that people are in 'inadequate housing' (Memorial, 2008)."

Memorial, 26 May 2009:

"The state has thus far failed to develop and pass additional legal instruments providing for specific legal safeguards to IDPs and detailing the responsibilities of state bodies and officials towards them, as well as mechanisms and procedures designed to give them the opportunity to get fully reintegrated."

UN CERD, 20 August 2008:

"21. While noting the information from the Russian delegation concerning the considerable number of internally displaced persons (IDP) who have returned to the Chechen Republic and the substantial funds allocated to facilitating their return, the Committee is nevertheless concerned about reports... that IDPs within Chechnya are not eligible for, and those outside Chechnya are sometimes denied, forced migrant status (art. 5 (d) (i) and 5 (e) (iii)). The Committee recommends that the State party ensure that all IDPs are granted forced migrant status and the related benefits."

Северная-Осетия

МХГ, 31 декабря 2007г.:

"С 1994 года федеральными органами власти инициирована программа помощи гражданам, получившим статус вынужденного переселенца.

В период работы Представительства, был сформирован список нуждающихся в государственной помощи из 31 224 человек (или 5 516 семей). Оказание единовременной помощи проводилось в соответствии с постановлением Правительства РФ от 06.03.1998 года, которое предусматривало следующие варианты выделения денежных средств: на новое строительство, на восстановление жилья и на приобретение жилья.

Но получить эту помощь реально смогли далеко не все в ней нуждающиеся. В федеральном бюджете на это ежегодно предусматривалась фиксированная сумма средств – около 200 млн. руб., которая, даже в случае наличия таких денег в бюджете, не обеспечивала потребности.

Кроме того, через Представительство и органы УФМС оказывалась помощь в переезде семей на места поселений и при возвращении на прежнее место жительства, в организации комиссионного обследования для оценки состояния разрушенного жилья.

В этот период обострилась проблема ограничений в признании статуса переселенцев. Существенная разница между зарегистрированными и фактическими переселенцами изначально была связана с проблемами легального статуса (прописки) ингушского населения, проживавшего на территории Северной Осетии до конфликта. В этой связи, по данным Министерства по делам национальностей РИ около половины переселенцев не получили признание в качестве вынужденных переселенцев. По данным межрегионального УФМС факт прописки в РСО-А подтвердился для 5516 семей (или 31224 человек), тогда как в списках проживавших числилось 7287 семей (или 41055 человек). Неразрешенным оставалась проблема обновления состава семей (смерти потерпевших и рождения поколения наследников).

С учетом таких обстоятельств, 30 декабря 2005 года Правительством РФ было принято новое постановление за № 846. Согласно этому постановлению был расширен перечень вынужденных переселенцев за счет включения в него тех, кто фактически проживал и работал в республике, не имея прописки.

В этой связи, список претендентов на государственную поддержку продолжал расширяться. Органы УФМС в 2006 году провели комплексную ревизию материалов на переселенцев и перерегистрацию нуждающихся. Для этого была проведена масштабная информационно-просветительская кампания, которая должна была довести до каждого адресата задачи перерегистрации.

В то же время для выполнения программы оказания помощи были определены жесткие сроки. Согласно федеральным планам, окончание работ по формированию списков нуждающихся должно было завершиться 1 февраля 2006 года. В этой связи, возникли очевидные проблемы с теми переселенцами, у кого имелись существенные проблемы с оформлением необходимых документов. Для значительной части репатриантов в течение нескольких месяцев невозможно было решить проблемы, до того не решаемые в течение многих лет, в частности, собрать необходимые документы, обратиться в суд для установления юридически-значимого факта (проживания и владения имуществом). Так из-за правовой неграмотности и отсутствия средств на адвокатов в суды были поданы лишь единичные заявления.

В органы УФМС поступало множество обращений, по которым требовалась различная правовая помощь. Однако необходимого штата сотрудников для оказания действенной правовой помощи эти органы не имели.

Стало очевидно, что разрешить все проблемные вопросы по каждой семье репатриантов в столь граничные сроки не возможно.

Кроме того, многие семьи, вынужденные в период конфликта в спешке покинуть Северную Осетию, не имели подтверждающих документов о праве собственности и факте проживания. При обращениях за статусом переселенца и на получение государственной поддержки необходимые документы во многих случаях не удалось восстановить. Сами вынужденные переселенцы считают, что это стало результатом пристрастного отношения представителей органов местного самоуправления. «Глава администрации местного самоуправления сел Терк, Чернореченское, Южный Касаев Б.П. заставляет граждан обращаться в суд на предмет установления факта владения недвижимостью со ссылкой на отсутствие похозяйственной книги, ложно утверждая, что она пропала».

Действительно, существует возможность использования судебных средств для восстановления документов или для установления необходимых фактов. Судебные органы республики с самого начала процесса возвращения переселенцев столкнулись со значительными трудностями, и прежде всего, с особыми условиями разбирательства таких

дел. В этой связи, был введен упрощенный порядок рассмотрения заявлений, по аналогии с делами о реабилитации жертв политических репрессий. По информации председателя судебной коллегии по гражданским делам Верховного суда республики Северной Осетии – Алании Баразговой Р.С. жалоб на отказ в принятии таких заявлений в Верховный суд не поступало. Однако число таких обращений оставалось незначительным.

Вместе с тем выявилась проблема, что суды не признают достаточными доказательства, основанные исключительно на свидетельских показаниях. В этой связи, в случаях утраты или уничтожения необходимых правоустанавливающих документов, перспектива получить государственную помощь и компенсацию для потерпевших ничтожна. Очевидно, что такие препятствия не приемлемы и противоречат обязательствам государства в адекватном восстановлении ущерба потерпевшим от действий органов власти.

По состоянию на 30 января 2007 г. в Межрегиональном управлении ФМС России (с местом дислокации в г. Владикавказе) состоит на учете 2994 семьи в количестве 10574 человек, имеющих статус вынужденного переселенца. На 1 января 2006 года в МРУ ФМС России состояло 2527 семей в количестве 9182 человек."

Caucasian Knot, 20 September 2007:

"The definition of a forced migrant enables the authorities to decide at their own discretion who of the IDPs will and who will not be granted their assistance and protection. As a result of all this, out of 580,000 persons who had left the Chechen Republic (under official data) during the second armed conflict, only 12,500 were granted the status of forced migrants, and among them there were almost no ethnic Chechens. In other words, 98 percent of IDPs were rejected any "economic, social and legal guarantees of protection of their rights and legitimate interests," M. Petrosyan, an expert of the HRC "Memorial" has explained."

De-registration of IDPs in Chechnya and Ingushetia from FMS assistance list (2009)

- Federal Migration Services in Chechnya and Ingushetia conducted a verification exercise of IDPs from Chechnya living in government-organised and private accommodation in 2006 and 2007
- IDPs not present during the verification were given 10 days to confirm their residency with officials, otherwise they would be deregistered from the Migration Services list
- 132,000 IDPs living in private accommodation in Chechnya deregistered by the authorities in 2005
- UN has received requests from IDPs for legal support with respect to deregistration

Chechnya: remaining IDPs de-registered in 2008

Memorial, 26 May 2009:

"Decree of the Government of the Chechen Republic No. 181-r of April 21, 2006 established a Commission for the Enforcement of Standards and Rules of Tenancy in TAPs located in the territory of the Chechen Republic. As part of the above commission's activities, IDPs have been struck off the registers for Form 7. A political decision was taken to remove the problem of IDPs from the radar of the Russian and the world public, since it was a vivid sign of the continuing disaster, which did not in any way fit into the picture of the revival of the Chechen Republic..."

On April 6, 2009, IDPs from the Chechen Republic living in Mekhstroi CAP (9, Michurina Street, stanitsa of Ordzhonikidzevskaya) turned to a Memorial Human Rights Center office and Civic Assistance Committee with a written statement.

In their statement, they complained that they had been illegally deleted from the database of the Federal Migration Service for the Republic of Ingushetia (struck off the register for Form 7). According to the IDPs, starting from February 2009, their CAP was regularly visited by representatives of the migration services of the Republic of Ingushetia and the Chechen Republic, who requested that they get struck off the register for Form 7. In the process, the migration service officials used different unlawful pressure techniques, threats, insults, threatened to discontinue payments of child allowances, unemployment compensation, and pensions to IDPs, halt the provision of humanitarian assistance, etc.

Many IDPs do not have their own housing in Chechnya and they have nowhere to return; therefore they refused to sign applications to get them struck off the registers. However, on April 2, Mr. A. Archakov, the owner of Mekhstroi, showed to IDPs certificates confirming that they had been struck off the register for Form 7 and warned them that they had either to move out within two days or pay the rent in the amount of 1,000 rubles per room.

On April 3, forced migrants came to the RF Federal Migration Service for the Republic of Ingushetia to meet with Mr. M. Ilezov, acting head of service, and ask for explanation of the grounds, on which those certificates were completed. M. Ilezov called into his office V. Khasimikov, a migration service officer from the Chechen Republic assigned to the office in the Republic of Ingushetia. At M. Ilezov's request, V. Khasimikov brought all personal records of IDPs from Mekhstroi and showed them applications dated March 31, 2009, submitted in their name and showing that they voluntarily had been struck off the register for Form 7.

All applications were completed in the same handwriting and signatures were forged. Inhabitants of Mekhstroi CAP claim none of them signed any applications. They demanded that these applications be handed over to them. V. Khasimikov promised to do it on April 4, but later refused to do so, giving the excuse that their applications had been sent to Chechnya. Ruslan Badalov, head of the public organization Chechen Committee for National Salvation was present at the meeting between IDPs and Ilezov. He recorded the conversation of the migrants with the migration service officials and made photos of the forged applications using the camera of his mobile.

IDPs were also greatly surprised by the fact that in March 2009 officers of the Federal Migration Service for the Republic of Ingushetia produced 17 certificates confirming that 17 forced migrants (together with members of their families) did not reside in Mekhstroi CAP, which is also untrue. On the day when the Federal Migration Service officers carried out their inspection all inhabitants of Mekhstroi specified in the certificates were present there.

In their statement the Chechen IDPs ask human rights defenders to help them in protecting their rights that were violated when they were illegally struck off the register for Form 7. They also ask protection against the targeted efforts to forcefully squeeze them out of places of temporary residence.

On April 3, IDPs from Mekhstroi CAP filed a collective complaint with the Prosecutor's Office of the Republic of Ingushetia to make inquiries into the forgery of documents.

On April 6, Memorial Human Rights Center lawyers helped the migrants to prepare a complaint to be filed with Sunzha District Court against the unlawful actions by the department of FMS of the Russian Federation for the Republic of Ingushetia.

Based on a letter from the inhabitants of Mekhstroi, an inquiry was sent to the leadership of the Republic of Ingushetia.

Following the letter of Mekhstroy inhabitants, Civic Assistance Committee made an inquiry to the administration of the Republic of Ingushetua.

The reply was only received in mid-May. It was signed by the Minister on public relations and interethnic ties (signature without printed name). Although the answer from Ingushetia was prepared in a soft hortatory key, it ensued from the text that Ingush authorities were no longer ready to give asylum to Chechen internally displaced persons. The Minister refers to the fact that the Anti-Terrorist Operation is over, and the Chechen authorities are ready and willing to receive their inhabitants and give housing to them. We are explained that now it's spring, the best time to return, as it's time to work in the garden and renovate housing. According to Ingush authorities, the inhabitants of Mekhstroy are "no longer registered on the basis of the acts examining living conditions at places of their permanent residence in the territory of the Chechen Republic, prepared by representatives of administrations of towns and districts of the Chechen Republic on the suitability of their housing for living." Besides, as is remarked in the reply of the Minister, the inhabitants of Chechnya have lived in Ingushetia for so long that "they have integrated into the economy of the Republic, trading in the markets and doing business. ... they have become accustomed to their situation, it is their habit to be dependents of the state and burden authorities with their private problems."

It is described above how ready the Chechen Republic is to provide everybody who needs housing with it. However, it should also be reminded that authorities of Ingushetia always assured the IDPs that nobody would force them to return. Now the authorities of Ingushetia virtually acknowledged that the IDPs didn't express their own wish to return to the Chechen Republic voluntarily. "

Правительство РФ, 31 декабря 2008г.:

"Вместе с тем установлены факты незаконного снятия миграционной службой ВПЛ с регистрационного учета, в связи с чем прокуратурой Республики Ингушетия 14 декабря 2007 г. в Отдел ФМС России по Республике Ингушетия внесено представление об устранении выявленных нарушений закона и наказании виновных должностных лиц...

По состоянию на ноябрь 2007 г. здания и помещения пунктов временного размещения и мест компактного проживания переданы на баланс Правительства Чеченской Республики, ВПЛ сняты с регистрационного учета в ФМС России."

Кавказский Узел, 8 апреля 2008 г.:

"В Чечне при ликвидации пунктов временного размещения грубо нарушаются права граждан. Об этом сообщает Правозащитный центр "Мемориал". Анализ многочисленных жалоб, заявлений, проведенный ПЦ "Мемориал", а также результат мониторинга на местах показывал, что в процессе расформирования ПВРов грубо нарушались права внутриперемещенных лиц (ВПЛ). Внутриперемещенные лица, в большинстве своем, писали "добровольные" заявления о снятии с учета по форме №7 ВПЛ под влиянием грубого давления. Были зафиксированы случаи, когда людей насильно выселяли из комнат общежитий, выкидывая вещи, а иногда дело доходило до рукоприкладства. Многие, особенно женщины, были вынуждены ставить свою подпись под подготовленными работниками администраций заявлениями во избежание инцидентов между мужчинами своей семьи и выселяющими их вооруженными людьми.

По словам правозащитников, так властям удалось существенно сократить число ВПЛ. Часть ВПЛ, выстоявших в борьбе против произвола, просто сняли с учета по акту Комиссии по соблюдению норм и правил проживания в ПВРах (далее - Комиссия). "Мемориал" отмечает, что в распоряжении Правительства ЧР о создании Комиссии не были прописаны ни ее полномочия, ни способ оформления принимаемых ею решений, ни нормы, которыми она должна была руководствоваться в ходе проверки ПВРов. Поэтому ее действия

нарушали положения Жилищного Кодекса РФ, которые допускают выселение граждан из жилых помещений только в судебном порядке. Обращаться за защитой своих прав в правоохранительные органы люди отказывались, считая это бессмысленной тратой времени [...]

Изменение статуса вынужденных переселенцев на "лиц, нуждающихся в улучшении жилищных условий" может создать для них и другие проблемы. "К примеру, теперь их могут лишить гуманитарной помощи. Или же их могут выселить из занимаемых ими помещений по различным причинам чисто формального характера", - заявил сотрудник одной из местных неправительственных организаций в беседе с корреспондентом "Кавказского узла".

Memorial, 31 July 2006:

"[...] The biggest group [of IDPs in Chechnya] are 132,000 persons from the total number of registered IDPs, resides in private accommodation. The only help that was previously given to this category of the population was bread distribution, in accordance with Resolution of the Government of the RF No. 163 of March 3, 2001, to the amount of six rubles per person a day. Bread distribution was stopped in August 2004. And in November 2005, according to the information of the leadership of the Chechen Republic Migration Administration, the said category of IDPs was struck off the state register."

Memorial, 17 May 2006:

"Due to shortage of living spaces in state-sponsored centers for temporary residence, the majority of IDPs (132, 000) had to provide for their shelter themselves. The only assistance they received from the state was a daily supply of bread (for 6 rubles/20 cents/per person per day). In November 2005 this category of IDPs was deregistered by the federal migration services and they are no more counted as forced migrants."

Ingushetia: remaining IDPs de-registered in 2009

UN, 1 May 2008:

"People mostly approach Vesta in Ingushetia in connection with de-registration from the Federal Migration Service (FMS) lists and the resulting cancellation of state assistance and residence registration."

IA Regnum, 13 March 2007:

"С 21 по 25 февраля 2007 года, федеральными миграционными службами Чеченской Республики и Республики Ингушетия была проведена проверка списков вынужденных переселенцев из Чеченской Республики, временно проживающих на территории Ингушетии в местах компактного проживания (МКП) и в частных секторах на предмет их нахождения по месту временной регистрации. В результате мониторинга, проведенного региональным общественным движением ЧКНС, удалось установить, что сотрудники федеральных миграционных служб передали уведомление сроком на 10 дней тем вынужденным переселенцам, которые на момент проверки не находились по месту временной регистрации с тем, чтобы они за этот срок смогли восстановиться в списках ОФМС РФ по Республике Ингушетия.

Вынужденные переселенцы были предупреждены, что если они не явятся в течение 10 дней в ОФМС РФ по Республике Ингушетия, их снимут с учета. В итоге проверок в этом и других МКП на территории Назрановского района, с учета в ОФМС РФ по Республике Ингушетия было снято 24 человека. В Сунженском районе было снято с учета 28 человек. Это те 52 человека, которые не явились в обозначенный срок в ОФМС РФ по Республике Ингушетия. В общем, уведомление было направлено 536 вынужденным переселенцам, из

них - по Назрановскому району 396 вынужденным переселенцам и по Сунженскому району -140."

Кавказский Узел, 20 июля 2006 г.:

"[...] в результате посещения Ингушетии представителями "Комитета по делам внутриперемещенных лиц Чеченской Республики" в Малгобекском районе Ингушетии из списков получателей гуманитарной помощи исключены 80 процентов беженцев.

Это стало возможным потому, что "Комитет по делам внутриперемещенных лиц Чеченской Республики" составляет акты о том, что люди в МКП на территории Ингушетии не проживают и поэтому им не положена гуманитарная помощь. Делается это независимо от того, проживают они здесь или нет. Все направлено на то, чтобы выдвинуть беженцев из МКП и частных секторов в Ингушетии.

По последнему сообщению источника информации, цифра исключенных из списка на получение гуманитарной помощи беженцев только в частном секторе Малгобекского района Ингушетии составляет 5 940 человек."

Lack of documentation deprives IDPs of rights and assistance (2009)

- Russian Constitutional Court ruled that citizens should not need registration in order to enjoy their rights
- However, in practice the absence of registration means IDPs have limited access to medical care, employment, social assistance
- Need to pay bribes in order to obtain some documents in Chechnya
- Other obstacles to securing documents include inefficiency, inconsistency and lack of transparency
- IDPs who left Chechnya as a result of the second conflict face more difficulties in receiving pensions than those who left during the first conflict

ODI, 28 February 2009:

"While gas and other utilities are subsidised for people with monthly salaries below 3,000 roubles, interviewees in Urus Marten told the study team that people were too poor to pay the bribes required to obtain the documents needed to receive the subsidy. The complicated bureaucracy associated with receipt of social welfare assistance is rendered more challenging still as a result of inconsistency, corruption, inefficiency and lack of transparency. Difficulties reported in accessing services included lack of due process in the system, lack of knowledge regarding entitlements, inability to manage the process due to physical, intellectual or psychological impairment and inability to pay bribes in order to obtain the documents required."

Prague Watchdog and Center for Journalism in Extreme Situations, 6 February 2007:

"В Грозном Неля Исагулова прожила 40 лет, из них 24 года проработала на химическом заводе, а затем на базе хлебопродуктов. Ее квартира находилась в 4м микрорайоне по улице Ионисиани, где она до сих пор прописана. Компенсацию за утраченное жилье и имущество так и не получила, поскольку не сохранилось документов. У Нели Исагуловой до сих пор нет паспорта, она не может получить даже минимальную пенсию, хотя ее трудовой стаж насчитывает 31 год [...]"

Caucasian Knot, 20 September 2007:

"The main problem, to which the attention was drawn by human rights activists, was the absence of the law, which could serve an instrument for implementing the responsibility of the state in relation to IDPs. In their opinion, the current law in force "On Forced Migrants" helps the authorities to evade their constitutional duties of defending internal refugees.

The definition of a forced migrant enables the authorities to decide at their own discretion who of the IDPs will and who will not be granted their assistance and protection. As a result of all this, out of 580,000 persons who had left the Chechen Republic (under official data) during the second armed conflict, only 12,500 were granted the status of forced migrants, and among them there were almost no ethnic Chechens. In other words, 98 percent of IDPs were rejected any "economic, social and legal guarantees of protection of their rights and legitimate interests," M. Petrosyan, an expert of the HRC "Memorial" has explained."

Memorial, 31 July 2006:

"Temporary registration or the absence of registration results in plenty of new problems:

- IDPs are denied access to free medical assistance, although virtually all IDPs do need such help. Because of the consequences of stress and unsatisfactory living conditions, experienced during the hostilities, children and adults often develop serious diseases. The incidence of tuberculosis, oncological diseases, gastrointestinal infections and nervous disorders is high among IDPs. Hard life, insufficient diet and the absence of skilled medical assistance lead to tragedies. Provision of urgent medical help is guaranteed, however, it is often accompanied by humiliation of human dignity, particularly, when assistance is provided to women who are giving birth: records are made in their medical documents about the absence of place of residence, i.e. they are placed into the category of homeless persons, tramps.
- IDPs cannot get jobs, which worsens the already poor financial situation of families: according to the information from the regional Education Committee, children of migrants, including IDPs, account for approximately 80% of the total number of children who do not attend school.
- It is very difficult (and in rural areas virtually impossible) for IDPs to receive social assistance in the absence of permanent registration.

NGO Shadow report, 28 February 2006:

"The lack of registration prevents citizens from the realization of the basic social rights. In addition to having a constant risk to be detained and fined, people are often deprived of the access to free health care, the right to receive state pensions and allowances, the right to employment, the right to secondary school education and access to day-care centers."

[...] As a consequence of the lack of registration problems with pensions arise frequently. Those migrants who left Chechnya and registered for pensions outside its territory before December 1997 now receive pensions even if they do not have registration. However, others, including those who abandoned the republic after the recommencement of military operations in the fall of 1999, can receive pensions outside Chechnya only provided that they have registration and can present their pensioner's files. Meanwhile, the majority of the migrants were forced to leave during military operations that prevented them from taking their pensioners' files with them. Along with the informal prohibition to register the Chechens, this circumstance deprives from getting even the minimal pension nearly all pensioners and disabled persons from Chechnya who now reside outside its territory."

ACCORD/UNHCR June 2002, p, 259:

"The Constitutional Court has reminded once and for all that registration or absence of registration should not be linked to the enjoyment of rights. So in theory one does not have to show one's registration to be able to get medical care, but in practice it does not work this way. To enrol one's children at school one needs to have registration. An employer cannot employ someone who is not registered; eventually the registration is asked for by any potential employer. Hence, in practice most of the basic civic rights are linked to the possession of registration. If

someone's place of residence registration is Grozny and he wants to register his sojourn somewhere else, but the authorities do not want to register him there, basically he is not only a second class citizen, but - using the absurd neologism - an illegal citizen. Difficult as this situation is to imagine, it is the sad reality for many IDPs."

IDPs in Dagestan still face difficulty acquiring residence registration (2009)

- Most IDPs in Dagestan are not registered by the authorities
- This restricts their access to social services and pensions
- They travel to Chechnya where they are registered in order to receive social allowances

UNHCR, 20 August 2009:

"IDPs [in Dagestan] still experience difficulty in obtaining residence registration (sojourn registration). As most of the IDPs possess temporary registration in Chechnya, they travel to Chechnya to receive their social allowances such as pensions and children allowances. IDP children are enrolled in local schools without any problems. Access to local medical institutions may be hindered due to the absence of sojourn registration but not restricted."

UNHCR, 17 April 2008:

"Most of those [IDPs surveyed by UNHCR's partners in Dagestan covering 855 families(3,788 persons)] have no registration in Dagestan. This lack of registration hinders their access to social services and other entitlements such as pensions in Dagestan."

ICRC July 2002 Daghestan, p. 16:

"The majority of Chechen IDPs have no official registration in Daghestan, while the Authorities officially report no IDP in the Republic. This lack of formal acknowledgement and resultant lack of documentation/registration results in limited access to employment, social services and housing, as well as increased risks of harassment and exploitation for the IDPs. Even though the [residents affected by the hostilities] do not face the same extent of difficulties related to registration, they do continue to face limited access to work and services due to the consequences to the impact of their poverty."

IDPs outside of Chechnya struggle to obtain documents (Special report, 2008)

- Many IDPs from Chechnya living outside of the North Caucasus are struggling to extend or regain their forced migrant status and acquire residence registration, internal passports and the documents needed to receive their due pension
- This is because their original documents were destroyed during the conflict, the law was interpreted too narrowly and ethnic Chechens were treated differently than other applicants
- Without these documents, IDPs are prevented from enjoying their civil, political, economic and social rights

IDMC Special report, 2008:

"As citizens or residents of the Russian Federation, IDPs have a right to recognition before the law. This includes being issued the documents necessary to access services and entitlements. Many IDPs interviewed were struggling to extend or regain their forced migrant status and acquire residence registration, internal passports and the documents needed to receive their due pension. This was mainly because their original documents were destroyed during the conflict,

the law was interpreted too narrowly, and ethnic Chechens were treated differently than other applicants. Without these documents, IDPs are prevented from enjoying their civil, political, economic and social rights, and struggle to lead a normal life.

Table 1 below outlines the documents which citizens of the Russian Federation need in practice to access various services, benefits and entitlements."

Table 1 Documents required to access services, benefits and entitlements

Activity, Service or Entitlement	Documents required
Employment in the official labour market	Internal passport, residence registration
Unemployment benefit	Internal passport, residence registration
Medical policy	Internal passport, residence registration
Medical care	Internal passport, residence registration
School enrolment	Internal passport of parent, birth certificate of child
Enrolment in higher education	Internal passport, high school diploma
Housing in a temporary accommodation centre	Forced migrant status
Access to list for those in need of improved housing	Internal passport, permanent residence registration, document confirming right to be on the list
Pension	Internal passport, residence registration, salary certificate, work booklet
Vote in elections	Internal passport, residence registration (If a citizen does not have at least temporary registration, they may apply to the local election commission to be added to the electoral list. If this is not possible, they may vote at a special voting area in the city where he or she is located on election day.)
Property compensation under Decree 510	Identification documents of applicant and family members, document confirming relation between applicant and family members, documents confirming ownership or use of housing, statement of rejection of property ownership by applicant and family members, notarised original signatures of applicant and family members
Bank account	Internal passport, residence registration
Court application	Internal passport
Travel within Russia	Internal passport

IDPs outside of Chechnya have difficulty acquiring forced migrant status (Special report, 2008)

- Forced migrant status entitles IDPs to government assistance, though many IDPs did not receive the status
- Applications from ethnic Chechens were treated differently and the law was often narrowly interpreted
- Some IDPs were not aware of deadlines, while others were required to produce documents showing residence in Chechnya

IDMC Special report, 2008:

"By creating forced migrant status, the government helped many IDPs gain access to basic rights. Among other benefits, IDPs with forced migrant status are entitled to one-time financial assistance, temporary accommodation, compensation for travel expenses to the area of temporary residence, housing loans and free medical assistance. However, many IDPs face barriers to obtain and extend this status, as well as enjoy the corresponding entitlements. These barriers include differential treatment of applications from ethnic Chechens, the requirement to produce documents showing residence in Chechnya, a narrow interpretation of the law, and a lack of flexibility in application time limits.

The 1993 Russian law on forced migrants creates a legal status for people forcibly displaced based on the following definition of a forced migrant:

"A forced migrant shall be a citizen of the Russian Federation, who was forced to leave his/her place of permanent residence due to violence committed against him/her or members of his/her family or persecution in other forms, or due to a real danger of being subject to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion following hostile campaigns with regard to individual persons or groups of persons, mass violations of public order...and who was forced to leave the place of residence on the territory of one subject of the Russian Federation and who has arrived at the territory of another subject of the Russian Federation" [unofficial translation]

This definition is more restrictive than the definition of internally displaced persons in the Guiding Principles. According to the Guiding Principles, IDPs are:

"...persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalised violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognised State border."

The definition of forced migrants in Russian law excludes people who were forced to flee mass violations of human rights, armed conflict and generalised violence, as well as those who fled within Chechnya.

Forced migrant status is issued by the local offices of the Federal Migration Service. Applicants must submit an application with their photo and photos of their family members who have reached the age of majority, a passport or another document confirming their identity, a document confirming their citizenship of the Russian Federation, a birth certificate of those family members who have not reached 14 years of age, documents confirming family and marital status and, if necessary, documents confirming violence incurred or persecution of the applicant and/or family members according to the definition of forced migrants.

Ethnic Chechens especially struggled to obtain forced migrant status as compared to other applicants. From 1991 to 1996 about 150,000 people were granted forced migrant status. In contrast, only 12,500 IDPs were granted forced migrant status from 1999 to 2001, and virtually none of them were ethnic Chechens. Reports by Russia-based NGOs and the Council of Europe that displaced Chechens had more often been refused forced migrant status were backed up by some interviews. Although most of the IDPs interviewed had been granted forced migrant status, in the TAC Serebrianniki, very few ethnic Chechens had been granted forced migrant status even after bringing the matter to court, whereas IDPs of other ethnicities had received the status.

The forced migrant status applications of some other IDPs were rejected on unreasonable grounds. Some IDPs reported their applications had been turned down because they were unable to prove they had been living in Chechnya as their documents had been destroyed. Others were told they must have residence registration in order to be recognised as forced migrants

Forced migrant status is granted for a five-year term, though it may be extended on an annual basis. Article 5.4 of the law on forced migrants stipulates:

“Forced migrant status shall be granted for a term of five years... In the face of circumstances which prevent the forced migrant’s settlement at the new place of residence the term of validity of his/her status shall be extended by the territorial agency of the migration service for every subsequent year upon the forced migrant’s application.” [unofficial translation]

The Migration Service in some cases interpreted “settlement at the new place of residence” too narrowly. IDPs who owned property or received property compensation were considered to have settled at their new location and their applications for status extension were therefore denied. While the amount of property compensation was enough to buy modest housing when compensation first became available, IDPs explained that the property compensation paid out after the 1998 Russian financial crisis was insufficient to purchase housing. As a result, they remained without a housing solution and without forced migrant status. Lawyers consulted during IDMC’s visit reported that the Migration Service was progressively not renewing forced migrant status despite the fact that some of those on the register remained without secure housing and so could not be considered to have settled at their new place of residence.

IDPs explained how they missed the deadline to apply for and extend forced migrant status without knowing of its existence. Some IDPs explained that they were ineligible under Article 2 of the law on forced migrants because they had applied for the status more than 12 months after they had fled Chechnya. Article 2 of the law reads as follows:

“Not recognized as a forced migrant shall be a person, who...has not filed without a sound reason a petition for recognizing him as the forced migrant in the course of 12 months from the date of his leaving the place of his residence...” [unofficial translation]

In Saint Petersburg one displaced woman had not managed to extend her status because she had missed the deadline to apply for extension of her status. This claimant only learned her status had expired when she inquired about extending it, for which the deadline had already passed.

Some IDPs who had lost their forced migrant status had managed to regain it through the courts, but courts’ decisions had varied. Variations in court decisions were reported in Saint Petersburg and Veliki Novgorod, where the majority of court cases lodged by IDPs from Chechnya concerned the reinstatement of forced migrant status. Many who lost their appeals were hoping to have the decisions overturned, but the likelihood of their success appeared low."

IDPs outside of north Caucasus have difficulty obtaining residence registration (Special report, 2008)

- IDPs outside of north Caucasus have trouble registering their residence
- Barriers include the reluctance of landlords to register them and the unlawful requirement to pay for utilities one year in advance
- Lack of residence registration limits IDPs' access to secure accommodation and obstructs their enjoyment of their rights
- Some IDPs therefore risk their lives to maintain registration in Chechnya

UN CERD, 20 August 2008:

"22. While noting that Federal Act No. 5242-1 of 1993 on Russian citizens' rights to freedom of movement, choice of address and place of residence in the Russian Federation provides that registration shall not constitute a precondition for the exercise of citizens' rights, the Committee is concerned about reports that, in practice, the enjoyment of many rights and benefits depends on registration, and that the police is often reluctant to grant residence registration to Chechens and other persons originating from the Caucasus, Roma, Meshketian Turks, Yezidis, Kurds and Hemshils in Krasnodar Krai, Tajiks, non-citizens from Africa and Asia, as well as asylum-seekers and refugees (art. 5 (d) (i)). The Committee recommends that the State party carefully monitor the implementation of its system of residence registration, sanction officials who deny registration on ethnically discriminatory grounds, and provide effective remedies to victims, with a view to eliminating any discriminatory impact of the registration system on ethnic minorities."

МХГ, 16 июля 2008г.:

"В ЦВР г. Красноармейска Саратовской области остро стоит проблема регистрации жильцов. В этом центре проживает 120 человек, из них 80 — переселенцы из Чечни. Их регистрируют по месту пребывания на срок от одного до трех месяцев. Поскольку срок регистрации столь короток, проживающим в ЦВР отказывают и в детских пособиях, и в получении пенсии, и в приеме на работу.

Регистрация продолжает оставаться главной проблемой для чеченцев, живущих в России. Негласная установка ограничить регистрацию чеченцев действует во всех регионах. Поскольку законных оснований для отказа нет, работники паспортных столов используют различные приемы, чтобы отказать чеченцам в регистрации.

В Саратовской области при оформлении регистрации у ВПЛ, прибывших из Чеченской Республики, неправомерно требуют характеристики с места работы либо с места жительства. На вопрос, для чего они это делают, сотрудники ОУФМС отвечают: «Чтобы знать, с кем имеем дело».

Чеченцев, проживающих в Казани, каждый год заставляют перерегистрироваться, сдавать отпечатки пальцев, обходить четыре кабинета и писать объяснительные записки, почему они проживают в Татарстане. Ущемляются также права студентов-чеченцев, которые живут в общежитиях. К ним не пропускают родственников и друзей из их учебной группы. Весной этого года в общежитии юрфака Казанского университета сотрудник милиции открыл стрельбу по студентам-чеченцам. К счастью, никто не пострадал.

Братьям Мухадиевым, проживающим в г. Электрогорске Московской области, в течение трех лет каждые полгода приходилось преодолевать упорное противодействие Положение беженцев, вынужденных мигрантов, внутриперемещенных лиц 245 работников правоохранительных органов при продлении регистрации. В августе 2007 г. Мухадиевых для оформления регистрации направили к начальнику уголовного розыска. Этот визит

закончился для них противоправным задержанием и административным арестом на пять суток.

Отсутствие регистрации порождает множество проблем для ВПЛ из Чечни и лишает их жизненно важных прав: права на бесплатную медицинскую помощь, на получение пособий и пенсий. Без регистрации трудно устроиться на работу и добиться, чтобы детей приняли в детский сад."

IDMC Special report, 2008:

"Most IDPs interviewed still faced barriers when trying to get temporary or permanent residence registration in the areas they live. These barriers included the reluctance of landlords to register them and the unlawful requirement to pay for utilities one year in advance. Some IDPs without registration risk their lives to travel to Chechnya to maintain registration there. Lack of residence registration limits IDPs' access to secure accommodation and obstructs their enjoyment of their rights. IDPs without registration are also at risk of harassment by police.

The Soviet Union's *propiska* system, whereby the State granted residency, was replaced in 1993 by a system whereby all people living or staying in the Russian Federation had to register at a temporary or permanent address. This registration is stamped in Russian citizens' internal passport by the local office of Federal Migration Service and, in practice, gives access to health care, employment, pensions and education, and other benefits and services. Temporary registration is valid for a determined period, while permanent registration is valid for an indefinite period. In order to register at a new residence, one must first de-register from their previous residence.

Most of the IDPs interviewed had temporary residence registration and only a small number had permanent registration, while the remainder were temporarily registered at their place of arrival or not at all. People renting housing in the private sector could seldom register at the rental address as landlords were reluctant to submit a statement confirming the rental agreement since they would then be obliged to pay tax on official rental income. IDPs explained that they had to find an acquaintance, friend or relative who would register them at their residence, but for ethnic Chechens this was difficult as the police would often then check that address. Police checks to verify whether people from Chechnya indeed live at the address they are registered have reportedly decreased in recent years, but during IDMC's visit IDPs and the people who register them reported that checks were still occurring in Moscow, Saint Petersburg, Rostov and Volgograd. Some of those who had registered Chechens explained how the police made an inventory of the furniture and belongings in their apartment to establish whether those registered were in fact living there.

Most people living in government-organised temporary accommodation centres (TACs) were granted temporary residence registration in all locations visited. However, the local authorities did not always renew these registrations, at times refusing because people had lost their forced migrant status, the legal basis for residence in the TACs. Article 6.3 of the 1993 law on forced migrants states that people who lose forced migrant status also lose the right to stay in a TAC. In Veliki Novgorod, IDPs in government housing who no longer had forced migrant status were able to renew their residence registration every three months, but on each re-registration they received notice to vacate the premises.

Some regions introduced their own residence registration requirements that were not always in line with federal law. Moscow has long been the city of choice for migrants as there is the perception that there is a better chance of finding a job there. In order to control population movements to and from the city, the residence registration rules of the City of Moscow are designed to limit the number of people registering. Registration has been limited by the

requirement that people pay for their utilities one year in advance, though this demand is illegal. Some IDPs interviewed could not pay this amount and were therefore prevented from registering their residence. In the past registration was also only issued to those who had relatives in Moscow, but now tenants of municipal apartments can register one person per six square metres and owners of apartments can register as many people as they like. While in 1996 illegal restrictions on registration were in force in an estimated 30 regions, some of the inconsistencies between regional and federal law were removed after a legislation review was conducted in 2001.

Citizens can stay in a location away from their registered residence for up to 90 days, after which they must re-register with the authorities. However, some IDPs interviewed were still registered in Chechnya, and one ethnic Chechen family in Moscow was travelling to Chechnya every three months since they had been unable to register their residence in Moscow.

Federal law provides that lack of registration at the place of residence cannot obstruct citizens' rights and freedoms. Article 3 of the 1993 law entitled "On the right of citizens to freedom of movement, choice of place of arrival and residence" states:

"Citizens of the Russian Federation are required to register at their place of arrival and place of residence in the Russian Federation. Registration or the lack thereof cannot serve as a basis for the limitation of, or a condition for the realization of, rights and freedoms of the citizens provided for by the Constitution of the Russian Federation, laws of the Russian Federation and the Constitutions and laws of republics within the Russian Federation." [unofficial translation]

Nonetheless, the lack of residence registration limits the ability of IDPs to enjoy their rights. IDPs who did not have residence registration reported difficulties in exercising their economic and social rights, including, for example, using free medical services, finding work in the official market, receiving a pension, opening a bank account and installing a telephone line. In 2006, the Council of Europe's European Commission against Racism and Intolerance explained how people without residence registration are refused access to public services:

"ECRI expresses its deep concern at information according to which in some areas registration remains a prerequisite for the exercise of a wide range of basic rights in contradiction with the 1993 Russian Federal Law on the freedom of movement and choice of residence. It means that a person without registration can be refused access to many public services. In the case of state pensions and allowances, the law apparently states that they cannot be granted in the absence of residence registration. However, NGOs have indicated that in all other cases, the law does not stipulate residence registration as a prerequisite for public service. In general, it even states the contrary. Nevertheless, people with no registration are confronted with a refusal from public officials when they try to access public services such as social insurance, health protection medical aid and in some extreme cases, even emergency medical assistance. Employers are also said to refuse to employ a person without registration".

Displaced pensioners not receiving their due pension (Special report, 2008)

- Displaced pensioners receive a pension lower than what they are entitled to
- This is because the necessary documents were destroyed during the conflict
- No mechanism has been put in place to rectify the issue
- Some displaced pensioners managed to receive their entitled pension through the courts
- But court decisions have varied with most displaced pensioners left with a minimum pension

Уполномоченный по правам человека в Российской Федерации, 2009г.:

"По-прежнему неразрешенной остается проблема реализации права на получение пенсий, исчисленных из среднемесячного заработка, для граждан, архивные документы которых были безвозвратно утрачены в ходе контртеррористических операций в Чеченской Республике.

Невозможность исчисления органами Пенсионного фонда Российской Федерации пенсий из среднемесячного заработка, полученного в период работы, приводит к установлению этой категории граждан пенсий в минимальных размерах, чем нарушается их конституционное право на социальное обеспечение по возрасту.

Изложенная проблема находится в поле зрения Уполномоченного уже несколько лет. Внутренним перечнем высоких должностных лиц, к которым он обращался с просьбой найти ее решение. Обращения Уполномоченного рассматривались, по ним давались соответствующие поручения. Однако ничего лучше, чем переложить эту проблему на плечи субъектов Российской Федерации, федеральные органы власти придумать не смогли. Общая идея в том, что субъекты Российской Федерации по примеру Чеченской Республики могут установить дополнительные выплаты к пенсиям за счет средств своих бюджетов.

Действительно, в Чеченской Республике в целях урегулирования вопросов пенсионного обеспечения граждан, утративших документы о заработной плате в ходе контртеррористических операций был издан Указ Президента Чеченской Республики от 10.05.2006 г. № 111 «Об установлении дополнительной ежемесячной выплаты некоторым категориям граждан, проживающим на территории Чеченской Республики», предусматривающий дополнительные ежемесячные выплаты к пенсиям в зависимости от трудового стажа.

Этот опыт Чеченской Республики, безусловно, заслуживает высокой оценки. Нельзя, однако, не понимать, что проблема пенсионного обеспечения граждан, утративших документы о заработной плате, является для нее своего рода «профильной» и, по-видимому, учитывается федеральной властью при формировании республиканского бюджета. Тысячам других граждан нашей страны, потерявшим в чеченском лихолетье все что имели, в том числе и документы о среднемесячном заработке, и перебравшимся на жительство в другие субъекты Российской Федерации, от этого не легче. Прежде всего потому, что подавляющее большинство субъектов Российской Федерации не в состоянии повысить им пенсии за счет своих бюджетов.

Принятие на федеральном уровне нормативного правового акта, устанавливающего ежемесячные компенсационные выплаты для утративших документы о заработке граждан позволило бы обеспечить их равенство в правах вне зависимости от того, проживают ли они в Чеченской Республике или выехали с ее территории на постоянное жительство в другие регионы России."

IDMC Special report, 2008:

"Many displaced pensioners receive a pension lower than they are entitled to because the necessary documents and their archives were destroyed during the conflict and no mechanism has been put in place to rectify the issue. While some displaced pensioners managed to receive their entitled pension through the courts, decisions on this have varied with most pensioners left with a minimum pension. The majority therefore continue to receive a pension that does not reflect their work experience and work in order to make ends meet.

To receive a pension that corresponds to their professional experience, Russian citizens must submit their work booklet and salary certificate. In lieu of these documents, they can present a

Communist party, trade union or Komsomol (Communist youth league) card to determine their salary scale according to dues paid.

People who fled Chechnya without these documents have faced difficulties having them reissued where the archives holding them were destroyed during the conflict. Guiding Principle 20 sets out that government authorities must facilitate the issuance of new or replacement documents lost in the course of displacement and Guiding Principle 29.1 states that IDPs should have equal access to public services. To date, a mechanism has not been put in place for these IDPs to receive the pension they are entitled to. As a result, they receive only a minimum pension. According to the Commissioner for Human Rights of the Russian Federation, there were as of 2003 around 40,000 internally displaced pensioners from Chechnya who were in this situation, and the number was rising.

The average monthly pension in Russia at the end of 2007 was about \$140 (3,300 roubles). Most internally displaced pensioners interviewed were receiving a monthly pension of approximately \$85 (2,000 roubles) and were struggling to make ends meet. Some were receiving less, and only a few were receiving the pension they were entitled to. Most reported that they had to work full-time to pay all their bills and cover their expenses.

Some internally displaced pensioners had managed to obtain a pension based on an average monthly salary for their work experience through the courts. However, there is no instruction for the courts to employ this practice and so only some courts have applied it and even then on an irregular basis. The municipal court rejected the claim of one pensioner in Rostov for his pension to be based on the average monthly salary for the positions he had occupied, on the basis that there was no law regulating such payments.

Pensioners in Chechnya who do not have the documents necessary to receive the pension they are entitled to receive a financial supplement issued by the government of the Chechen Republic based on their work experience. However there is no such provision for pensioners living elsewhere in the Russian Federation, to whom local authorities are unwilling to allocate money from their limited budgets. The Commissioner for Human Rights of the Russian Federation has acknowledged that internally displaced pensioners from Chechnya living outside of Chechnya cannot access their full pension entitlements, but the issue remains unresolved."

New procedures for internal passport renewal not consistently implemented (Special report, 2008)

- IDPs no longer have to travel to Chechnya to renew their internal passports
- However, some IDPs are still told to return to Chechnya for renewal
- Others are refused since they have only temporary registration at their current place of residence
- The listing of place of origin in the internal passport generates discrimination against people from Chechnya

МХГ, 16 июля 2008г.:

"При обмене паспортов у ВПЛ из Чечни сотрудники ОУФМС Саратовской области обязывают предоставить справки с места работы, учебы, яслей, детских садов, подтверждающие их проживание в Чечне. Чиновников интересуют сведения о том, чем занимались люди в Чечне. В устной форме сотрудники миграционной службы мотивируют данную просьбу так: «Нам нужно знать, не являлись ли данные переселенцы боевиками либо членами их семей»."

IDMC Special report, 2008:

"New internal passport renewal procedures that came into effect in December 2006 ensure that IDPs no longer have to risk their lives and travel to Chechnya to renew their internal passport. However, more efforts need to be made to disseminate information about this new procedure since some IDPs interviewed had been told to return to Chechnya for renewal after December 2006, while other applications were refused since applicants only had temporary registration. Some IDPs also reported experiencing discrimination as a result of Chechnya being listed as their area of origin in their internal passport.

An internal passport is the main compulsory document confirming identity and residence of citizens within the country. Citizens of the Russian Federation are first issued the passport at 14 years of age, and must renew it at the ages of 20 and 45. They may apply for the document at their local office of the Federal Migration Service by submitting an application, a copy of their birth certificate, personal photographs and an excerpt from the housing register confirming their residence. They may renew the document at the same office by submitting an application, the passport to be renewed, personal photographs and a document confirming the basis for renewal of the passport.

Although the internal passport no longer states the ethnicity of the holder, the internal passport system can generate discrimination against those originating from Chechnya because it indicates one's area of origin. Some internally displaced people have been refused forced migrant status and employment based on being ethnic Chechen and a number of IDPs interviewed, including non-ethnic Chechens, explained how they were treated differently when people saw that they were born or registered in Chechnya.

Renewal may necessitate a journey to Chechnya despite recent legislation which should have made this unnecessary. In the past, IDPs with permanent residence registration in Chechnya had to return there to renew their internal passport. Returning to Chechnya for this purpose has exposed people to risks to their physical security. IDPs reported that some people had been killed when they went back to renew their passport. However, since December 2006, people have been able to renew their internal passport from their current place of residence, regardless of whether they are permanently registered there. Despite this legislation, a displaced man in Rostov explained how his daughter and son had been refused internal passports after 2006 since they had only temporary residence registration in Rostov. They had applied to the court for their passports to be issued at their current place of residence and were awaiting a decision.

Some of the IDPs interviewed during IDMC's visit received internal passports at their current place of residence in line with the current law, but it seemed that some had not been informed of the new rules. Several were unaware of the decree and had made the trip, paying for travel to and from Chechnya, their stay while they were waiting for the passport to be issued and additional fees reportedly collected in order to receive the document. Some had had to take leave from work, though others had avoided part of the expense by making a shorter trip and having a friend or relative send the new passport to them by post, although this is not permitted by law."

ISSUES OF FAMILY UNITY, IDENTITY AND CULTURE

Family unity

Most IDPs living outside of north Caucasus lost relatives during the Chechen wars (Special report, 2008)

- IDPs had not received any assistance from the authorities to find out the fate of their relatives
- IDPs feared returning to Chechnya to obtain more information on the whereabouts of their relatives

IDMC Special report, 2008:

"IDPs interviewed had not received support or cooperation from the authorities on identifying the fate and whereabouts of their relatives, as they are entitled to. Guiding Principle 16 sets out that IDPs have the right to know the fate and whereabouts of missing relatives and that the government authorities must endeavor to establish the fate and whereabouts of missing relatives and inform the next of kin on the progress and result of investigations. Article 16.3 of the UDHR also sets out the right to protection of the family.

Every displaced person interviewed had relatives who had been killed or had disappeared during the war in Chechnya. A woman in Saint Petersburg explained how her husband disappeared, apparently for siding with the opposition to Chechen President Dudaev. The father of one IDP woman had been missing for over ten years and she had had no information or support in establishing his whereabouts. She feared for her safety in Chechnya and so did not travel there to investigate further. Although local investigations have started for some disappearance cases in Chechnya, no one has been held responsible.

Other families remained separated as a result of their displacement. The husbands of two Chechen sisters in Moscow were both in Chechnya living with their mothers. The women had remained in Moscow so that their children could go to better schools, but also because they felt it was not safe for their children to live in Chechnya. Other IDPs described how their families are now scattered throughout Russia after fleeing Chechnya in different directions."

Fate and whereabouts of disappeared family members still unknown (2009)

- Relatives of the disappeared in Chechnya and Dagestan have appealed to the authorities to determine their whereabouts and fate
- At least 3,000 people disappeared in Chechnya, kidnappings have decreased in Dagestan since 2007
- Criminal cases have been opened for disappearances in Chechnya, but perpetrators have not been identified and punished
- Families believe state agents are responsible for the disappearances

AI, 1 July 2009:

"There continues to be no official and up-to-date database of missing persons and unidentified bodies. The Ombudsperson of the Chechen Republic has begun the practice of posting a list of missing and disappeared persons on his official website. This list is currently incomplete, although the Ombudsperson's office is working to complete it. In his letter of 19 September 2008, Abdulkakhir Izrailov referred to a database of missing persons sent to the Piatigorsk-based NGO General Lebedev Peace-Building Mission and posted on their website. However, this list is also incomplete. The NGO Memorial is currently working to produce a list of missing persons by the middle of 2009.

Since the beginning of the first Chechen War in 1994, the number of mass graves uncovered in Chechnya has reached, according to reports, as many as 60. A considerable number of these have been uncovered as a result of reconstruction work that is proceeding in Grozny. However, the Russian government has no policy of exhuming and identifying the bodies. In June 2008 a mass grave, containing the remains of approximately 800 people, was uncovered in Grozny. Most of the bodies in the grave were reported by Nurdi Nukhazhiev, Ombudsperson of the Chechen Republic, to be of civilians, killed during the bombardment of the capital in 1995 during the first Chechen conflict. According to Ombudsperson Nukhazhiev, the Chechen government has set aside 47 million roubles to develop forensic facilities in Grozny in order to investigate the sites of mass graves in Chechnya. However, at the end of 2008 the federal authorities refused to establish a forensic laboratory for genetic identification of the remains in Chechnya, claiming that there were no qualified specialists in the Chechen Republic to work there."

ODI, 28 February 2009:

"ICRC has highlighted the lack of a central register on the disappeared"

Caucasian Knot, 4 April 2008:

"Human rights activists want a letter to be sent to Russian president-elect Dmitri Medvedev with a demand to hold an efficient and fair investigation into disappearances of people in Northern Caucasus.

[...]

Violetta Krasnik, coordinator of the WITNESS Programme for Europe and post-Soviet countries, remarked in March 2008 that "the problem of kidnappings has spread over Northern Caucasus, having got beyond the borders of Chechnya because of inadequate investigation of this sort of crimes committed during the 'counterterrorist operation'." Human rights activists assert that frequently employees of power agencies are involved in violent disappearances.

"Over 3000 persons still remain missing in Chechnya. They disappeared during the 'counterterrorist operation', starting from 1999, when Vladimir Putin came to power in Russia; now, after the election he leaves this sad heritage to president-elect Dmitri Medvedev," Ms Krasnik has noted."

Dagestan

Caucasian Knot, 27 March 2008:

"Svetlana Alisultanova, Ombudswoman in Dagestan, notes to a significant decrease in the number of kidnappings in the Republic. She has made this statement today at the 20th session of the National Assembly of Dagestan of the fourth convocation.

"From July 2007, we have no applications on kidnappings. Today, Dagestanians are dissatisfied with illegal methods of investigation. 95 complaints were filed on this issue, all of them were readdressed to the prosecutor's office where the applicants live," Ms Alisultanova has stated."

Caucasian Knot, 13 August 2007:

"Today, representatives of the "Dagestan Mothers" public organization have addressed their applications to the Prosecutor's Office of Dagestan against the employees of law enforcement bodies, who were involved, in their opinion, in kidnapping and torturing the young men, who disappeared this April; the applicants have also stated that they will continue their hunger strike until they receive any information about the missing persons."

Memorial, 10 August 2007:

"In 2004-2005, the republican security services started to realize that applying torture and degrading treatment to suspects could backfire. Many of them were killed or injured, others lived in fear of possible attacks.

Defense lawyers working with clients suspected of participation in armed groups claim that for this reason the tactics of the Dagestani security services has changed. The suspects are oftentimes being taken to Chechnya to be tortured, because there people can be tortured with impunity, moreover, one does not have to deal with the interference of defense lawyers. Those, who are cruelly tortured in Dagestan subsequently, as relatives put it "get lost", i.e. they disappear without a trace.

It seems that in this way the security servicemen try to secure themselves from possible revenge by the victims of torture. According to lawyers and relatives of the kidnapped, in order to make an interrogation with torture easier, security services illegally detain or abduct their suspects. Unlike Chechnya and Ingushetia, where the kidnappers arrive to houses heavily armed, in masks and detain their suspects in front of numerous witnesses, in Dagestan these abductions seem to be carefully planned, take place without witnesses and other "unnecessary fuss": the person gets out of the his house and never returns back.

In July 2007, Memorial Human Rights Center received applications from the relatives of disappeared people. All of the applicants claim that their dear ones were abducted by security services of Dagestan. In early summer, the relatives of disappeared and abducted residents of Dagestan created the public movement "Mothers of Dagestan". The activists of this movement collect information on human rights abuses in Dagestan. According to them, around 20 people "disappeared" in Dagestan in 2007 so far. Since May, the activists of the movement carried out several protest actions in front of the Government building of the Republic of Dagestan, near the building of Department for the Combat on Organized Crime and the Building of the Ministry of Defense."

Chechnya

AI, 23 May 2007:

"Russian and Chechen officials have to some extent recognized the scale and gravity of the problem. As of 1 March 2007, up to 2,800 persons were listed as abducted, disappeared and missing in Chechnya, according to the Ombudsperson for Human Rights of the Chechen Republic, Nurdi Nukhazhiev. As of April 2005, the prosecutor's office in Chechnya had opened 1,814 criminal cases into the enforced disappearance or abduction of 2,540 people in Chechnya.

A Commission for the search for abducted and missing persons has been established by the Chechen Parliament. The Commission is chaired by Dukvakha Abdurakhmanov, Speaker of the Chechen Parliament, who has stated that the role of the Commission is to assist law enforcement agencies to do their job. He has been cited as telling relatives that the Commission would try to find out the fate of all missing persons by the end of 2007. The Chechen Ombudsperson has raised the issue, calling for a Federal Commission to be established by Presidential decree to tackle the failures in investigations."

СНО, 22 июля 2008г.:

"Днем 18 июля в районе спортивного стадиона имени Билимханова в Ленинском районе г. Грозного прошел митинг родственников жителей республики, похищенных в ходе т.н. «зачисток» и пропавших без вести после задержания сотрудниками силовых ведомств и представителей неправительственных организаций. В акции приняло участие от 150-ти до 200 человек.

Участники митинга обратились к властям с просьбой оказать содействие в поисках похищенных, установлении их местонахождения и дальнейшей судьбы. По официальным данным, с 1994-го года в Чечне считаются пропавшими без вести от четырех с половиной до пяти тысяч человек. Местные жители считают, что эти цифры намного выше."

Memorial 23 May 2007:

"Kidnappings which often result in untraceable disappearances, are one of the most terrible human rights violations in the Chechen republic. The impossibility to figuring out the destiny of the missing person forces his or her relatives and friends to constantly relive this tragedy in their memories; this makes the relatives and friends very susceptible to the propaganda of the terrorist groups and separatist fighters. When considering kidnappings in general (including people who were later released) Memorial has information about the kidnapping of 2,018 inhabitants of the Chechen republic, as of 2002. Out of this number, 1,057 went permanently missing.

The monitoring of Memorial covers only 25-30% of the entire territory of Chechnya, and even in the areas covered, our information is probably not comprehensive. So, in order to get the real picture, our numbers should be multiplied from 2-4 times (according to different estimates). The extrapolation of our data and the analysis of the official data gives a similar result. Memorial can claim that the total number of people who went missing during the period of the second Chechen war (since the fall of 1999 until the present) as a result of kidnappings, unlawful arrests, and detentions, is more than 3,000 and it could be as high as 5,000 people. Unfortunately, we cannot give more precise numbers at this point- right now. Memorial is working on creating a detailed and comprehensive database of missing persons. In most cases of kidnappings, everything points to the fact that the crime was committed with the help of the representatives of the state, or of the armed forces who are in collaboration with them. 90% of the criminal cases where the legal proceedings were commenced when people were kidnapped are not solved. At the same time, we can note that there is a certain systematic decrease in the number of kidnappings- and it is especially noticeable since 2005."

PROPERTY ISSUES

General

Property damage due to war in Chechnya (2009)

- Civilian housing was directly targeted during the conflict and led to widespread destruction of private homes and apartments
- Over 110,000 houses were fully or partially destroyed in Chechnya plus about 50,000 apartments in Grozny
- Some property has been unrepaired for up to 14 years

ODI, 28 February 2009:

"During both military campaigns, civilian housing was directly targeted in contravention of international humanitarian law, resulting in widespread destruction of private houses and apartments (Tango, 2006: 11). Property destruction during the first Chechen conflict primarily focused on Grozny and surrounding areas, whereas the second conflict was characterised by extensive damage of housing and infrastructure across the republic. This included Grozny and its surrounds, as well as the pre-mountainous and mountainous regions further south. Much of the property destroyed in rural areas during the first war was not fully rehabilitated, as people viewed a return to violence as inevitable (interviews, Serzhen Yurt). As such, some property has remained without rehabilitation for up to 14 years. Although accurate estimates of property destruction during the second Chechen conflict do not exist, a survey conducted by DRC placed the figure of fully or partially destroyed houses in Chechnya at 111,327, plus a further estimated 50,000 flats in Grozny."

Two compensation programmes for destroyed property and housing during Chechen conflicts (2009)

- Government passed two decrees to pay compensation for housing and properties lost during both Chechen conflicts, but no law on property restitution
- Decree #404 allows for fixed amount of compensation for victims of both conflicts permanently residing in Chechnya, maximum 350,000 roubles
- Under Decree #510 the amount of compensation is calculated based on a formula and only those having left Chechnya permanently may apply, maximum 125,000 roubles
- Only those with totally destroyed housing may apply under both programs
- IDPs settling outside of Chechnya do not receive full compensation for property and belongings left behind

ODI, 28 February 2009:

"Documents required to [apply for property compensation in Chechnya:] Identification documents of applicant and family members, document confirming relationship between applicant and family members, documents confirming previous ownership or use of housing, statement of rejection of property ownership by applicant and family members, notarised original signatures of applicant and family members, report indicating housing defects, report from the housing register, reference from a place of residence..."

...compensation by its very nature is only open to those whose property has been damaged by the war. Many displaced populations rented property prior to the conflict. Others were children during the conflict, but have since matured and started families. Both groups lack property entitlements, and are forced to share overcrowded housing with relatives (people spoke of two families sharing a one-bedroom flat) or live in a variety of inadequate housing arrangements (examples included box tents, farm sheds, the foundations of houses and damaged properties)."

CRI Project, 31 May 2007:

"Russia has no property restitution law. There are currently several appeals before the European Court concerning the denial of restitution of property that was taken away by authorities or the various government agencies. No verdicts have yet been reached in these cases. As for restitution itself – or the return of property whose chain of transfer from one proprietor to another had been interrupted – one must note a Constitutional Court ruling made April 2005. It said that if the last proprietor was an "innocent purchaser," then the property may not be returned to an owner who had been cheated at an earlier stage. Instead of restitution, that person should be seeking compensation from the cheating party. Russian courts have turned down every single case concerning restitution for lost or seized property in the Republic of Chechnya. The main basis for these denials was a Russian government resolution on compensation payments, which fail to cover even a minor portion of the lost property."

NGO Shadow report, 28 February 2006:

"At present there are two government regulations on compensations for housing lost in Chechnya. RF Government Regulation No. 510 of 30 April 1997 established the maximal compensation of 120,000 rubles for those who abandoned Chechnya and gave up their housing on its territory. Today this sum equals €3,500, which is at least five times less than it was before the financial crisis of 1998. Regulation No. 404 of 4 July 2003 established compensations as high as 350,000 rubles, or €10,000. The payments are carried out slowly and are repeatedly discontinued for long time intervals [...]"

UNHCR, 7 August 2003:

"On 4 July 2003, the RF Prime Minister Kasyanov signed Decree # 404 "On the procedure for implementation of compensation payments for the lost housing and property of permanent residents of the Chechen Republic who were victimised as a result of the resolution of the crisis in the Chechen Republic". The Decree extends to victims of the first Chechen conflict (1994-96) by defining lost housing as "housing irremediably destroyed from 12 December 1994 onwards". This decree is based on an earlier presidential decree, which was adopted to compensate the victims of the 1994-96 Chechen conflict: Presidential Decree # 898 of 5 September 1995 "On additional compensation payments to persons victimised as a result of the resolution of the crisis in the Chechen Republic". Subsequent to the 1995 presidential decree, a governmental decree was adopted to regulate the payment of compensations to the victims of the 1994-96 Chechen conflict: RF Government Decree # 510, of 30 April 1997. As it stands, there are now two separate governmental decrees, deriving from the same Presidential Decree # 898, and which are aimed at providing compensation to the victims of the 1994-96 and current conflicts. To the extent that the recent Decree # 404 does also cover the victims of the first conflict, the relation between the two decrees is being examined in this Information Note [...]"

In comparison with Decree # 510, which contained a formula for determining the exact amount of compensation, the new Decree # 404 foresees a fixed amount of compensation (Article 2): RUR 300,000 (approx. USD 10,000) for lost housing (immovable property) and RUR 50,000 (approx. USD 1,700) for lost property (belongings, movable objects). Both types of compensation (housing and property) are linked to each other, meaning that if an individual is eligible for compensation for lost housing, he/she is automatically entitled to the RUR 50,000 compensation for lost property. This compensation can be considered a lump-sum payment, as it does not depend on

the value of the lost housing and/or movable property. However, what triggers the eligibility to compensation is the fact of lost housing, irrespective of whether movable property was effectively destroyed or not. A contrario, if the housing was not destroyed but the damage was inflicted only to movable property (cars, cattle, etc.), the victim will not be eligible to compensation at all under Decree # 404. Decree # 404 further establishes a time frame for the payment of compensations, according to which the payments should be implemented in the course of 2003 – 2004 [...]

As was mentioned above, the new Decree # 404 regulates the payment of compensations to victims of both conflicts, permanently residing in Chechnya, whereas Decree # 510 provides compensations to victims of the first conflict having left Chechnya permanently. Therefore, there is one group which, in the current legal framework, is deprived of the right to compensation: the victims of the second conflict who have left Chechnya permanently (i.e. who cancelled the registration at their place of permanent residence – Chechnya – and who re-registered at their new place of permanent residence elsewhere in the Russian Federation).

See also the full Russian text of [Resolution No. 510](#) and [Resolution No. 404](#) on compensation for property destroyed as a result of military action in Chechnya.

Gaps in the compensation programme in Chechnya (2008)

- Only those with fully destroyed housing are qualified to receive compensation
- Differential compensation schemes for current and former residents of Chechnya
- Applicants under decree 404 must apply in Chechnya

Differential compensation schemes for current and former residents of Chechnya

CRI Project, 31 May 2007:

"The compensation is awarded only to residents of the Republic of Chechnya, but the payment sum is small, not paid to everyone, and drawn out over extended periods of time even when made. An April 20, 1997 government resolution No. 51056 set the limit of property compensation payments to RUB 120 000, which prior to the 1998 default equalled about USD 20 000. Today it is worth about USD 4000-5000—, a too small amount for a family to obtain housing. A July 4, 2003 government resolution No. 40457 set compensation for completely destroyed housing in the Republic of Chechnya at RUB 300 000 plus an additional RUB 50 000 for lost property. It should be underscored that this decision concerns only people who continue to live in Chechnya. Families whose housing is deemed to be less than 80 % ruined are not eligible for compensation. An official representative of an international human rights organization believes that the new level set for compensation payments is enough for a family to gain new housing if that sum is paid in full (in other words, if the family is not forced to pay bribes to secure the payment), and if the family is not forced to use the money to pay off debts and cover their daily expenses...Another worrying factor is the difference in size of compensation payments made to those who returned to Chechnya and those who preferred not to do so. Between 1997 and 2003, no compensation payments were made in Chechnya at all. But after 2003, IDPs who stayed on in Chechnya began receiving payments between two and two-and-a-half times higher than those living in other regions of Russia. Since most people who permanently left Chechnya are ethnic Russians, politicians who speculate on ethnic grounds started to complain about discrimination against ethnic Russians, hoping to divide the former neighbours and potentially start a conflict between them."

Memorial, 31 July 2006, p.11:

"[...] The difference in compensations for lost housing and property paid to those residing in the Chechen Republic and those who decided to never return there has become an additional traumatizing factor for IDPs. Resolution of the Government of the RF No. 510 of April 30, 1997 set the minimum amount of payments in compensation for lost housing at 120,000 rubles, which amounted before the 1998 default in Russia to approximately 20,000 US dollars. Today it is impossible to buy housing for a family with that sum of money, which does not exceed 4 to 5 thousand dollars.

According to Resolution of the Government of the RF No. 404 of July 4, 2003, the amount of payment made in the Chechen Republic in compensation for completely destroyed housing stands at 300,000 rubles. Since the majority of those who have left Chechnya, never to return, are ethnic Russians, the issue is raised of discrimination of ethnic Russian citizens versus Chechens, which drives a wedge between the people who were once neighbours and creates conditions for a new confrontation. And it is forgotten in the process that between 1997 and 2003 no compensations at all were paid in Chechnya."

[...] [In areas of Russia outside the North Caucasus], subsidies that are allocated for forced migrants to buy housing are negligible. For instance, in Udmurtia, the disbursed amounts of 16 to 20 thousand rubles can buy virtually nothing even in remote villages. In the Volgograd Region, a family of three to four people gets 80 to 100 thousand rubles, while the price of one square meter of housing in the region is between 8 and 10 thousand rubles and in the city of Volgograd it hits 17 thousand and more. Therefore, with the allocated money such a family can buy only ten square meters of housing outside the region's capital or five square meters in Volgograd.

[...] Besides, payments under Resolution No. 510 are made very slowly. Since 1997, only 39,000 families have received the compensation. Of course, this results in the situation when thousands of families of former residents of the Chechen Republic, irrespective of their ethnic origin, are left without shelter across Russia."

No compensation for repairable housing

Memorial, 31 July 2006, p.11:

"[...] Resolution of the Government of the Russian Federation No. 404 of July 4, 2003 set the amount of payment to be made in Chechnya in compensation for lost housing and property at 350,000 rubles (approximately 10,000 euros) per family per one completely destroyed structure. No compensatory payments are payable for housing which has been found restorable. Payments are made very slowly, with periodic interruptions for a long period of time. Besides, the Chechen Republic leadership openly admits that people in Chechnya have to repay 30% to 50% of the compensation's amount as a bribe to have it awarded, which is also noted in [Council of Europe Commissioner for Human Rights] Mr. Gil-Robles' report. All in all, 39,000 families have been paid compensations, which corresponds to 14 billion rubles allocated to these purposes in the federal budget."

Procedural restrictions

UNHCR, 20 August 2009:

"Applications to the programme under Decree N. 404 can be only made in Chechnya."
Some recent compensation claimants reported about the refusal of the authorities to accept the applications. Currently the new documents on acceptance of compensation payments can be submitted only based on the court decision. This is despite of the fact that the Government order of the Russian Federation ? 404 does not contain any temporary restrictions on the filing the application for the compensation payments.

Lack of information access about the pending application is also another problem as the Decree ? 404 does not contain provisions obliging the authorities to inform the applicants about acceptance of their claim and other stages of the compensation process. Lack of such information also serves as the obstacle for seeking legal redress in the courts against the decisions of the Commission on compensation payments.

Housing support for IDPs from North Ossetia who lost property (2009)

- Forced migrants who lost their homes as a result of the Ossetian-Ingush conflict in 1992 are eligible for government support for housing construction under Resolution #274 of 6 March 1998 and amendments
- Some IDPs living in Maisky reported they had received compensation for their homes in Prigorodny district
- Regional Federal Migration Services offices decide on applications

Кавказский Узел, 9 февраля 2009г.:

"Сами же беженцы жалуются на то, что компенсации, выделяемые вынужденным переселенцам из Пригородного района и Владикавказа, незаконно выдаются людям, никогда не являвшимся беженцами. По словам одного из беженцев, пожелавшего остаться неназванным, сотрудники миграционной службы при предоставлении вынужденным переселенцам бесплатного курортного выезда, лечения, отправляют на отдых своих родственников."

МХГ, 31 декабря 2007г.:

"Отдельно хотелось бы остановиться на вопросе получения государственной поддержки вынужденным переселенцам, лишившимся жилья в результате конфликта 1992 года. Например, нам известно, что из бюджета РФ в 2004 г. на эти цели были выделены денежные средства в размере более 2 млрд. руб. Но, мы не знаем ни одной семьи, которая бы в течение последних двух лет получила денежные средства на восстановление либо на приобретение или строительство дома. Основная причина, как уже говорилось выше, – чрезмерность выдвигаемых требований по оформлению необходимых документов. Но есть семьи, которым все же удалось оформить полный пакет документов и передать его в ФМС. Тем не менее, им под разными предлогами денежные средства не перечисляются."

Правительство Российской Федерации, 8 января 2007 г.:

"Вопрос: Какая государственная поддержка оказывается вынужденным переселенцам, лишившимся жилья в результате осетино-ингушского конфликта в октябре – ноябре 1992 года в жилищном обустройстве?"

Ответ: ФМС России в рамках Постановления Правительства Российской Федерации от 6 марта 1998 г. № 274 «Об оказании государственной поддержки гражданам Российской Федерации, лишившимся жилья в результате осетино-ингушского конфликта в октябре-ноябре 1992 г.» (с изменениями от 16 августа 2002 г., 30 декабря 2005 г.), осуществляет возложенные, по оказанию государственной поддержки в жилищном обустройстве при условии получения ими в установленном порядке статуса вынужденного переселенца. Принятие решения по оказанию государственной поддержки в жилищном обустройстве вынужденным переселенцам, лишившимся жилья в результате осетино-ингушского конфликта в октябре-ноябре 1992 года, осуществляет Межрегиональное управление ФМС

России расположенное на территории РСО - Алания по адресу: г. Владикавказ, пр. Коста, д. 34 и на территории Республики Ингушетия по адресу: г. Назрань, ул. Московская, д.30. Для получения государственной поддержки необходимо обратиться в УФМС России по Республике Северная Осетия-Алания либо Республике Ингушетия. Для получения свидетельства в Межрегиональное управление ФМС России."

Кавказский Узел, 29 июня 2008г.:

"В Ингушетии временные переселенцы из Северной Осетии и Чечни готовят к сдаче документы на получение компенсации за утраченное жилье и имущество в результате конфликтов в их республиках.

Все необходимые документы переселенцы должны сдать в Федеральную миграционную службу до 1 июля этого года. По утверждению "Чеченского комитета национального спасения", люди уже не первый раз за многие годы своего изгнания подают в эти инстанции такие документы.

"Возможно, на этот раз федеральные и региональные власти решили серьезно заняться этим вопросом, чтобы окончательно закрыть печальную страницу в современной истории чеченцев и ингушей. Это касается не только возмещения ущерба, но и возвращение на постоянное место жительства", - указывают в ЧКНС.

"Кавказский узел" уже неоднократно сообщал о проблемах в МКП переселенцев из Северной Осетии. Так, в начале марта 2008 года в селение Гази-Юрт Назрановского района Ингушетии была прекращена подача электроэнергии. Причиной отключения электричества вынужденным переселенцам явилась задолженность по оплате за потребленную электроэнергию.

Напомним, что на проходившем 7 ноября 2007 года в городе Назрань собрании представители общественности Ингушетии выразили обеспокоенность положением вынужденных переселенцев из Пригородного района РСО-Алания и вновь призвали руководство страны активизировать работу по их возвращению в места постоянного проживания."

Кавказский Узел, 28 июня 2008 г.:

"В Ингушетии временные переселенцы из Северной Осетии и Чечни готовят к сдаче документы на получение компенсации за утраченное жилье и имущество в результате конфликтов в их республиках. Все необходимые документы переселенцы должны сдать в Федеральную миграционную службу до 1 июля этого года. По информации "Чеченского комитета национального спасения", люди уже не первый раз за многие годы своего изгнания подают в эти инстанции такие документы."

CRI Project, 31 May 2007:

"The Ingush, the former residents of the Prigorodny district of North Ossetia–Alania, who were banished from their homes in 1992 during the armed stage of the Ingush-Ossetian conflict, receive compensation if they agree to return to their homes or — as authorities are not able to secure returnees in some villages — to settle in a new place. These compensations are several times higher than those paid to the residents of Chechnya. They range from RUB 700 000 to 2 million per family, a sum that enables a family to obtain real, acceptable housing."

UN CERD, 13 October 2006:

"79. Pursuant to Presidential Decree No. 1285 of 6 October 2004 on facilitating official efforts to develop relations between the Republic of North Ossetia–Alania and the Republic of Ingushetia, the Federal Migration Service has been given the extra task of managing the aftermath of the Ossete-Ingush conflict. To carry out this mandate, which includes organizing installation support

for forcibly displaced persons who lost their homes in the Ossete-Ingush conflict in October and November 1992, an Interregional Authority of the Federal Migration Service has been set up, based in Vladikavkaz... The Federal Migration Service prepared and on 30 December 2005 the Russian Government adopted Decision No. 846 amending and supplementing Government Decision No. 274 of 6 March 1998 on State assistance to Russian citizens who lost their homes in the Ossete-Ingush conflict of October-November 1992."

For more information on government housing assistance for IDPs who lost their housing during the Ossetian-Ingush conflict, see Постановление №274 от 6 марта 1998г., Положение об оказании государственной поддержки в жилищном обустройстве вынужденным переселенцам, лишившимся жилья в результате осетино-ингушского конфликта в октябре-ноябре 1992г.

Propiska no longer needed to apply for property compensation in Chechnya (2009)

Конституционный Суд, 6 октября 2008г.:

"определил:

20.11.2008 <http://chechnya.gov.ru/page.php?r=126&id=4512>

На заседании членами комиссии обсуждался вопрос, касающийся пункта 7 Постановления № 404, по которому граждане, подавшие документы на получение компенсации, не имеющие прописку, не могут получить средства за разрушенное жилье и утраченное имущество.

«Согласно пункту 7 Постановления 404 заявитель, подавший документы, должен быть прописан по адресу разрушенного жилья с 1994 по 2004 год. Сегодня многие граждане попадают именно под этот пункт. В этой связи и затягивается работа, связанная с выплатами, так как каждое дело необходимо перепроверять», - отметил руководитель секретариата по компенсационным выплатам Султан Исаков.

Также им было отмечено, что проблема, связанная с пунктом 7 Постановления № 404, обсуждается не первый раз, и данный вопрос Президент ЧР Рамзан Кадыров поднимал на самом высоком уровне. Однако вопрос пока остается нерешенным, но открытым, и есть вероятность того, что со временем 7-й пункт будут пересмотрен и отменен, так как многие граждане остались без своего жилья, не имея в нем прописки.

Стоит отметить, что сейчас руководство республики добивается через федеральный центр разрешения на возобновление выплаты компенсаций без прописки, но по правоустанавливающим документам.

02.02.2009 <http://chechnya.gov.ru/page.php?r=126&id=4816>

Жители Чеченской Республики, потерявшие жилье и имущество, теперь смогут получить компенсацию без прописки

В Доме правительства под председательством премьер-министра ЧР Одеса Байсултанова прошло заседание рабочей группы по рассмотрению заявлений граждан о компенсационных выплатах за утраченное жилье и имущество в результате разрешения кризиса в Чеченской Республике.

На заседании членами комиссии обсуждался вопрос, касающийся пункта 7 Постановления № 404, по которому граждане, подавшие документы на получение компенсации, не

имеющие прописку, до сих пор не могли получить средства за разрушенное жилье и утраченное имущество.

В ходе заседания руководителем секретариата комиссии по рассмотрению заявлений граждан о компенсационных выплатах за утраченное жилье и имущество в результате разрешения кризиса в ЧР было отмечено, что в ходе переговоров с федеральным центром прокуратурой ЧР было принято решение об отмене пункта № 7, которое позволит теперь гражданам, не имеющим прописку, получить компенсацию.

«Сегодня благодаря Президенту Чеченской Республики Рамзану Кадырову, который оказал немалую помощь в решении данного вопроса по постановлению за № 404, граждане, потерявшие свое жилье и имущество, без каких-либо проблем смогут получить компенсацию», - отметил Султан Исаков.

В этой связи глава правительства поручил членам комиссии ускорить работу по выплате компенсаций.

«Проблем для скорейших выплат компенсаций я больше не вижу, система достаточно упрощена. Поэтому считаю необходимым, чтобы каждый заявитель, которому полагаются по закону денежные средства за утерю имущества и жилья, получил их в самые короткие сроки. Кроме того, необходимо сделать так, чтобы уже в этом году вопрос компенсаций был закрыт», - подчеркнул Одес Байсултанов.

Compensation insufficient to build a house in Chechnya (2009)

- Average price to build a house in Chechnya is several tens of thousands of dollars
- Price of construction materials rising all the time as Chechnya is in a construction boom
- Compensation of 350,000 roubles inadequate to build a proper house
- Supreme Court decision said those who had received compensation should not lose access to additional housing assistance from the state
- Government officials acknowledge compensation sum is not enough to build a house

UNHCR, 20 August 2009:

"As the price of building materials continue to rise in the Northern Caucasus, the compensation amount is no longer sufficient to build a house or purchase an apartment."

Prague Watchdog, 8 September 2008:

"It should be noted that today the sums of money calculated five years ago cover only a small part of the cost of the housing that was destroyed. Even assuming that people will receive the money that is legally owed to them in full, it will fall far short of helping them to recoup the damage caused by war. Five years ago the average price of a residential house in Chechnya was lower, and the prices of construction materials have risen several fold during the period that has elapsed since then.

As a matter of fact, the authorities even acknowledge this. On a visit to Achkhoy-Martan in May this year, Vladimir Ustinov, the Russian president's newly appointed representative in the Southern Federal District conceded that "350,000 roubles is not enough to build a house with."

ACCORD, 30 April 2008:

"As the price of building materials continue to rise in the North Caucasus, these amounts [of property compensation] are not sufficient to build a house or purchase an apartment...The above

mentioned construction programmes together with the building operations going on in Sochi as a preparation for the Winter Olympics 2014 have resulted in a severe shortage of construction material in the North Caucasus. Until 2006 the building material used to be produced in Stavropol, which is located at a distance of 2 hours from Grozny. Now almost all construction material is produced in Chechnya itself, or, if the great demand exceeds its capacities, in the surrounding republics."

Swisspeace, 31 October 2006:

"Chechens can apply for compensation payments for households and properties destroyed by military actions. However, the sum of 350 thousand roubles, allocated in 2003, by no means indemnifies the people for their losses. Furthermore, 14% of this sum was lost due to inflation caused by enormously increased costs for building materials. Finally and most importantly, the issue of moral damage compensation has so far largely been ignored."

Memorial, 31 July 2006, p.11:

It is impossible to buy housing with the miserable sum of that compensation. This fact was acknowledged by the RF Supreme Court."

Grouping of Russian NGOs, 30 November 2006:

"It is impossible to purchase any housing with the trifling sum of compensation. The fact was admitted by the RF Supreme Court. The court decision of 31 October 2002 excluded from RF Government Regulation No. 510 the provision that persons who had received the state compensation for their housing lost in Chechnya forfeited their right to any other state assistance in housing [...]"

Prague Watchdog, 18 July 2007:

"The most daunting issue for anyone building a house is the skyrocketing price of construction materials: cement, brick, and timber. In contrast to other Russian regions, the average price of building a house in Chechnya is several tens of thousands of dollars. This is partly due to Chechens building solid bases for all their buildings, using two or three times the normal amount of cement. Oddly enough, if the foundation is all that is left of a ruined building, the owner still can say he owns a house.

There is a steady import of bricks and cement to Chechnya, as they are now the prime building materials. With careful financing, an ordinary construction base 1.5m high can be done for \$4,000 or \$5,000. A sack of cement costs 240 roubles. However, some builders find it financially beneficial to import cement from Volgograd and sell it to Chechens at a higher price; locally made cement is cheaper. The price of used bricks is three roubles whereas the imported ones go for 10-15 roubles.

A single-storey four-room house requires a minimum of 6,000 bricks. After the bricklayer has been paid, consideration must be given to the finish, the windows, doors, and water and gas connections. Costs can become astronomical, so that there is a constant battle to find the money for completion

The compensation of 350,000 roubles for destroyed property is extremely small; it doesn't even begin to pay for a fraction of the suffering a person has experienced. No one knows why this sum was decided on, but nearly every one who has received it finds it insulting. At present, it's enough to enable the members of a family to build a cottage somewhere near the village of Selmentauzen, located between the Argun and Vedenogorges, where no one will notice the family's impoverished state."

Swisspeace, 22 June 2007:

"The ration of new housing construction is currently 80% higher than for the same period last year. In the first quarter, 8,000 sq. m. of housing was constructed, not including the restoration of parks, schools, and hospitals. According to official data, 756 blocks of flats are now ready for habitation (1,822,567 sq. m.).

Real estate prices in Grozny and its suburbs have risen several times in recent years due to the peace oriented nature of the population. Today a traditional "Soviet" land-plot of 600 sq. m. around Grozny costs from \$10,000 to \$30,000. A two room apartment in a block of flats is up to \$50,000. Just a while ago, these prices were three times lower."

Receipt of compensation continues to be slow (2009)

- 57,000 families living in Chechnya have received compensation
- Continuity and regularity of the compensation process needs to be ensured for IDPs to secure a durable solution

UNHCR, 20 August 2009:

"According to the Compensation Commission in Chechnya:

In total: approximately 57500 applicants received compensation.

2008 – 4461 applicants

2009 – 5420 applicants

The compensation payments were suspended in 2005 due to the delay in transfer of funds from Federal sources and resumed in late 2008. Then the payments have been repeatedly postponed in connection with of additional verifications of lists of applicants and lack of funds."

10.04.2009 <http://chechnya.gov.ru/page.php?r=126&id=5129>

Приостановленные выплаты компенсаций будут выдаваться со следующей недели

Президент ЧР Рамзан Кадыров обсудил с председателем Правительства ЧР Одесом Байсултановым вопросы выплат компенсаций гражданам, потерявшим жилье и имущество в ходе контртеррористической операции на территории республики.

Рамзан Кадыров выразил недовольство тем, что приостановлены выплаты компенсаций гражданам республики.

«Уже который раз возникают причины, по которым приостанавливаются выплаты. То мы ждем денег, то возникают очередные причины. Люди ждут этих компенсаций для того, чтобы решить свои проблемы. Необходимо закрыть этот вопрос в кратчайшие сроки», - сказал Кадыров.

Одес Байсултанов сообщил главе республики, что на сегодняшний день проверку на выплаты прошли более 11 тысяч человек, 7 тысяч из которых уже получили полагающиеся им суммы.

«В настоящий момент мы уже завершаем работу по перепроверке документов. Выплаты мы планируем начать уже со следующей недели», - сказал Байсултанов.

Правительство РФ, 1 июля 2009г.:

"Выплачено компенсаций за утраченное жилье и(или) имущество гражданам, пострадавшим в результате разрешения кризиса в ЧР и покинувшим ее безвозвратно 42 семей, 83 человек"

ЕСНО, 15 Май 2009:

"To date 46,000 households have received compensation (sometimes only partially) for the loss of property and damaged housing under the government compensation scheme and another 39,000 are still waiting. People who have no ownership registration in their passports for property are excluded from the list of those eligible for compensation. This is a breach of rights."

МХГ, 16 июля 2008г.:

"Что касается выплаты компенсаций за утраченное в результате военных действий жилье и имущество, то выплаты по Постановлению № 510 семьям, покинувшим Чечню, почти завершены. Как сообщили из ФМС России, по состоянию на 1 июня 2007 г. подано и пока не рассмотрено 463 заявления. За весь период, начиная с 1997 г. по настоящее время, компенсацию получили 37 857 семей на общую сумму 4,02 млрд рублей."

С выплатой компенсаций по Постановлению № 404 ситуация более сложная. В связи с имевшимися многочисленными нарушениями процесс денежных выплат неоднократно приостанавливался. По данным ФМС по этому постановлению компенсацию получили 46 939 семей на общую сумму 16,4 млрд рублей."

Corruption riddles compensation programme (2009)

- Compensation program riddled with corruption, including false applications and pressure to pay bribes to officials upon receipt of compensation

UNHCR, 20 August 2009:

"Reportedly bribe taking is widely practiced. As a result, it is reported that only 50 percent of funds transferred from the federal budget reached beneficiaries."

FEWER, 26 June 2009:

"Housing compensation, pensions, unemployment benefits, childcare assistance and other social provisions are significantly affected by corrupt practices among mid-level officials and the 'clan-grid' governance system. The problem can be addressed by the Russian government on its own if it keeps up the level of payments in line with inflation and ruble rate fluctuations, and tackles corrupt practices around such payments in a determined manner. However, there is a high risk of a downturn in benefit payments and re-emergence of severe delays due to the economic crisis and the growing burden of unemployment. Failure of the compensation and benefits system in the region where a significant part of the population depends on it as the only economic survival life-line may have serious humanitarian consequences."

Prague Watchdog, 8 September 2008:

"However, after several months this settlement of accounts was halted by the republic's leader, Akhmad-Khadzhi Kadyrov. The reason was theft and corruption. Countless numbers of false claimants appeared, wanting money. Fraudsters forged certificates, while officials would sign any false document for the appropriate bribe. Banking intermediaries used such documents to help people jump the queue and cash the certificates in return for a share of the proceeds. It is hard to find anyone in Chechnya who has obtained compensation by legal means. The most persistent managed to obtain their payments on the third attempt, but most had to part with 30 to 50 percent as a bribe for the officials who drew up their claims."

After a while the payments were resumed, but no headway was made in coping with the arbitrariness and corruption. On the contrary, the situation grew markedly worse, and so the issue was addressed by the FSB, the Chechen prosecutor's office and the republic's interior ministry. Soon the culprit was found. This was Abubakir Baybatyrov, the head of the government compensation payments commission. He was not only sacked, but was quickly brought from Moscow to Chechnya under armed guard, charged with all manner of abuses. The investigation established that Baybatyrov had embezzled 18,055,000 roubles. Moreover, he was charged with having illegally created a new subdivision within the commission."

Prague Watchdog, 4 October 2007:

"More than twenty people are being held at a remand prison in the city of Grozny under investigation on charges of fraud concerning compensation payments and obtaining money under false pretences. Almost half of them are women.

Many of the defendants say that material hardship in the absence of normal and stable earnings drove them to deceive the state. They obtained payments for non-existent properties by means of forged documents, and some have insisted that they are innocent and were simply set up.

Among the prisoners there was even an 83-year old woman who had also received unlawful compensation. She was released on bail on the orders of President Kadyrov, who visited the remand centre a few days ago.

Chechnya is at present living in anticipation of a resumption of the compensation payments which were suspended more than a year ago. It is rumoured that the funds to compensate 20,000 applicants have already arrived from Moscow and that payments may resume this month. However, no official information from the authorities about this has appeared in the media. According to a source close to the compensation commission, after these 20,000 claimants are paid the question of compensation will be closed indefinitely.

For their part, the authorities have said that they will take action against those who are trying to make profit from the payments, whether it be ordinary citizens or government officials. However, there is little hope of this, because the interests of these people are the subject of lobbying at the highest level. Even so, the Chechen prosecutor's office says that 17 local village administration heads have been sentenced to various terms of imprisonment for forgery and fraud in the sphere of economic crime, including the unlawful receipt of compensation."

COE, 15 March 2006:

"Corruption remains rife, affecting even the compensation money for the reconstruction of destroyed property."

Property concerns of IDPs living outside of the north Caucasus (Special report, 2008)

- Property compensation has been paid out to some 40,000 IDPs
- However, the amount has been increasingly insufficient to buy housing
- Property compensation has therefore not solved the housing problem of IDPs outside of Chechnya

Мемориал, 28 апреля 2009г.:

"Правительство признало свою ответственность за обеспечение жильем этой категории граждан, издав 30 апреля 1997 г. Постановление № 510 "О Порядке выплаты компенсаций за утраченное жилье и/или имущество гражданам, пострадавшим в результате разрешения кризиса в Чеченской Республике и покинувшим ее безвозвратно".

Согласно Постановлению № 510 граждане, выехавшие во время военных действий из Чеченской Республики, могут получить в виде компенсации за утраченное жилье не более 120 тыс. рублей. В 1997г. этой суммы было достаточно для покупки скромного жилья, в настоящее же время на нее ничего нельзя приобрести.

Для сравнения отметим, что Постановлением Правительства РФ от 4 июля 2003г. № 404 размер компенсации за полностью разрушенное жилье на территории Чеченской Республики определен в 300 тыс. рублей, чего также недостаточно для восстановления или покупки жилья в Чечне, и все же – в 2,5 раза больше. Когда же было принято государственное решение о ликвидации последствий осетино-ингушского конфликта, то компенсация за утраченное жилье достигала 2-х миллионов и более рублей. Таким образом, когда государством оказывалась скромная, но реальная поддержка, то ее сумма превышала выплачиваемую жителям Чечни более, чем в 10 раз.

Вопрос о решении проблемы обеспечения жильем выехавших из Чеченской Республики граждан поднимался уже много раз, в том числе, на самом высоком уровне. В 2004г. п.10 Постановления Правительства РФ от 4 июля 2003г. №404 было дано поручение заинтересованным министерствам и ведомствам в течении 2-х месяцев разработать предложения об изменении выплачиваемой суммы. Через два года Правительство отменило этот пункт.

В 2006г. Правительство РФ получило поручение Президента РФ решить эту проблему путем выдачи Государственных жилищных сертификатов. Однако Правительство не выполнило и этого поручения.

Покинувшие ЧР жители находятся в самом бедственном состоянии. То, что большинство из них составляют русскокультурные граждане, дает повод использовать это положение в спекулятивных политических целях: заявлять о дискриминации русских в России.

Совершенно необходимо незамедлительно принять решение о жилищном обеспечении граждан, покинувших Чеченскую Республику и имеющих намерение обосноваться в других регионах России."

IDMC Special report, 2008:

"IDPs have the right to recover or be compensated for property and possessions left behind or dispossessed upon displacement. Article 17 of the UDHR and Guiding Principle 21 set out the right to protection of property. Guiding Principle 29.2 states IDPs are entitled to recovery or compensation for lost property and possessions. While the government has paid out property compensation to many IDPs, it has proved an ineffective remedy that has largely not solved the housing problem of IDPs, mainly because the amount paid has been insufficient. Furthermore, there were procedural barriers to IDPs obtaining property compensation as there was a lack of flexibility in application time limits and a requirement to present current residence registration.

Displaced people who choose to return and settle permanently in Chechnya receive up to around \$15,000 (350,000 roubles). as compensation for lost housing and property, while those who do not return to Chechnya receive a maximum of around \$5,000 (125,000 roubles). Those who do not return to Chechnya must give up the title to their housing and property, while those who return retain their title. This differential treatment influences the return and (re)settlement decisions of IDPs and questions their free choice of residence in the Russian Federation. This policy is also contrary to Principle 2 of the Principles on Housing and Property Restitution for Refugees and Internally Displaced Persons, which sets out the right of IDPs to have restored to them any

housing land and/or property of which they were deprived. This right is prejudiced neither by the actual return nor non-return of IDPs.

About 39,000 IDP families who left Chechnya have received compensation for lost or destroyed property and movable property Federal Migration Service, op.cit. . This includes approximately 17,000 families who did not have forced migrant status. The majority of those interviewed during IDMC's visit had received property compensation of about \$5,000 (120,000 roubles).

The main concern of IDPs about property compensation was that it was insufficient to buy housing. Before the 1998 Russian financial crisis, the compensation was sufficient to buy a very modest apartment. In Moscow one woman interviewed had managed to buy an apartment with property compensation of around \$4,400 (105,000 roubles) she received before the 1998 Russian financial crisis. IDPs reported that the current cost of housing outside Moscow is approximately \$1,700 (40,000 roubles) per square metre. The Federal Migration Service acknowledges that property compensation, in Chechnya and elsewhere, is currently insufficient to buy housing Federal Migration Service, op.cit. . Unable to buy a home with the compensation they received, most IDPs have spent the money repaying debts and buying essential household items. Despite the government's initial adequate calculation and good intentions, the housing problem of IDPs remains unresolved.

Unable to buy housing with property compensation they received, the majority of IDPs who were interviewed said the inaccessibility of permanent housing was their main concern. Accessing a mortgage to buy a home is almost impossible since banks charge high interest for loans and demand large down payments. Only three of the 30 IDPs interviewed had managed to secure permanent housing since their displacement from Chechnya. While only one IDP managed to buy housing with the property compensation she received, a single man in Volgograd had worked and saved enough money to buy an apartment, and a single woman had been able to buy her room in a dormitory.

IDPs suggested that the compensation amount be revised to take into account inflation since 1997, when the amount was decided. Government discussions are reportedly ongoing to this effect. As mentioned below, the Federal Migration Service proposes that compensation recipients are included in the federal housing programme, with the amount of compensation received being taken into account in determining the value of the housing certificate Federal Migration Service, op.cit. .

Some of the IDPs interviewed reported that their applications for compensation were refused. IDPs in Volgograd and Pyatigorsk said they were not eligible since they had left Chechnya before the hostilities officially began. Others were told they could not apply for compensation since they were not registered at their current residence. They were also told to go to Chechnya to de-register before applying for compensation, but only one man interviewed managed to de-register from his current place of residence. Many people in Volgograd received compensation only after appealing decisions through the courts.

Many interviewees had parents who had died without having received compensation for their lost property. A displaced man in Rostov had received an inheritance certificate in 1998 for his parents' apartment in Grozny, which had been illegally occupied. The man was refused compensation for this apartment as he had left Chechnya before the war officially started. He was now trying to claim ownership and compensation for not being able to enjoy the property, through the court in Chechnya. Fearing that he could be killed for the apartment upon return to Chechnya, he traveled with security guards and never slept in the same place more than once.

European Court rulings on destroyed property in Chechnya (2009)

- European Court has reviewed two cases of property destruction in Chechnya
- In 2007, the Court ruled that there had been a violation of a Chechen IDP's right to peaceful enjoyment of possessions and ordered Russia to pay the applicant over EUR 172,000
- In 2009, the Court dismissed a case of an IDP alleging her property was destroyed during military actions in Chechnya

ECHR, 11 March 2009:

" 3. The applicant alleged, in particular, that the State had failed to discharge its positive obligation to secure her husband's life and that the investigation into his death had been ineffective. She also complained about the destruction of her property during the military actions in the Chechen Republic, the unfairness of the proceedings for compensation and the delayed enforcement of her court award. The applicant relied on Articles 2 and 6 of the Convention and Article 1 of Protocol No. 1...

8. According to the applicant, on 4 January 2000 the block of flats at 4 Prospekt Revolyutsii was hit by a missile fired by the Russian armed forces during an attack on Grozny. The applicant's flat and all her belongings were destroyed. It does not appear that the applicant witnessed the destruction...

30. As regards the applicant's compensation claim concerning the destruction of her property, the court noted that under Article 1069 of the Civil Code of Russia the State was liable only for damages caused by its agents' actions which were unlawful. It further found that the actions of the Russian federal troops in Chechnya had been lawful, as the military operation in Chechnya had been launched under Presidential Decree no. 2166 of 30 November 1994 and Governmental Decree no. 1360 of 9 December 1994, both of which had been found to be constitutional by the Constitutional Court of Russia on 31 July 1995.

31. The court further stated that the applicant had submitted no evidence proving a causal link between the defendants' actions and the damage sustained by her, since the military actions had been carried out by both parties to the conflict. Therefore the destruction of the applicant's possessions could not be imputed to the defendants...

104. The applicant insisted that the block of flats in which she lived had been destroyed as a result of a missile strike, and argued that the missiles had presumably been in the exclusive possession of the federal armed forces. According to her, she had submitted photographs of the destroyed block of flats and a hole left by a missile in its walls to the domestic courts. She also argued that the information concerning the use of heavy weapons and indiscriminate shelling by the federal troops in Chechnya had been generally known and accessible in the mass media. The applicant thus contended that by destroying her property and refusing to award her any compensation in that connection, the State had breached her rights secured by Article 1 of Protocol No. 1...

107. Turning to the present case, the Court notes first of all that the applicant has not furnished it with any document proving that she had a property right in the destroyed flat. The only relevant document she has submitted is the housing warrant (see paragraph 6 above), from which it can be ascertained that she had the right to live in that flat, but it is unclear whether she was the flat's tenant or its owner. Moreover, the first instance court did not make any findings in this respect either, having only established, with reference to eye witness statements, the existence of certain property inside the destroyed flat (see paragraph 33 above). The Court, however, does not consider it necessary to establish the scope of the applicant's property in the present case for the following reasons.

108. It observes that similar complaints concerning the destruction of property during the conflict in Chechnya were examined in the case of Umarov v. Russia and found inadmissible on the ground that the applicant had failed to substantiate them (see Umarov v. Russia (dec.), no. 30788/02, 18 May 2006). Likewise, in the instant case the applicant has not produced any evidence in support of her complaints made to the Court that the destruction of her possessions was imputable to the State which could enable the Court to depart from the findings of the domestic courts. The only relevant document submitted by the applicant is a certificate issued by a housing authority on 21 June 2000 stating that the applicant's flat had been destroyed during the military actions on 4 January 2000 (see paragraph 11 above). This document gives no indication as to the cause of the destruction. Apart from this certificate, the applicant has not furnished the Court with any documents, such as witness statements, plans, photographs or a video recording of the scene of the incident, documents from public bodies, or any other evidence confirming the involvement of the State agents in inflicting damage on her property (see, by contrast, Khamidov v. Russia, no. 72118/01, §§ 63-72, 136 and 138, ECHR 2007 ... (extracts). The Court is sceptical about the applicant's allegation that she had adduced photographs showing a missile hole in the walls of the destroyed block of flats to the domestic courts, as the enclosures listed in the applicant's written submissions to the District Court (see paragraph 28 above), or the materials listed in the transcript of the court hearing of 3 December 2001 (see paragraph 65 above) do not mention any photographs among the adduced documents. Also, the applicant has not submitted any such photographs, if they exist, to the Court, or given any reasons preventing her from submitting this evidence. Nor has she relied on any independent sources to confirm that on the date in question there was an attack by federal forces resulting in the damage alleged (see, by contrast, Isayeva v. Russia, no. 57950/00, §§ 28 and 111-115, 24 February 2005).

109. Having regard to the general situation prevailing in the region at the material time, the Court notes that violent confrontations took place between the federal armed forces and rebel fighters particularly in late 1999 – early 2000, this two-sided violence ensuing from the acts of both parties to the conflict and resulting in destruction of the property of many residents of Chechnya. It is not convinced that in such circumstances the State may or should be presumed responsible for any damage inflicted during the military operation, and that the State's responsibility is engaged by the mere fact that the applicant's property was destroyed.

110. In the light of the foregoing, and bearing in mind its above finding that the principle of fairness was respected during the examination of the applicant's civil case (see paragraph 102 above), the Court is unable to depart from the findings of the domestic courts and reach the conclusion that the applicant's possessions were destroyed, as alleged, by the Russian troops. The Court therefore finds that the applicant's complaints as to the State's responsibility for the damage to her property, and the claims for compensation, have not been substantiated.

111. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 and 4 of the Convention."

Kommersant, 16 November 2007:

"The European Court for Human Rights has ordered Russia to pay Khanbatay Khamidov a record sum for his losses from counterterrorist activities, €172,000. Khamidov showed that the Interior Ministry forces practically destroyed his household, which included a business. The decision opens the way for a flood of similar suit, since only 350,000 rubles per family is being paid in Chechnya for the loss of housing and property."

ECHR, 15 November 2007:

"48. On 30 July 2001 the applicant, acting in his own name and on behalf of his brother, brought an action against the Russian Ministry of the Interior in the Zamoskvoretskiy District Court of

Moscow (Замоскворецкий межмуниципальный суд г. Москвы – “the District Court”). He complained that the consolidated police units of the Ministry of the Interior had occupied and wrecked his estate and had been refusing to comply with the judgment of 14 February 2001. He sought recovery of possession of his movables and real property as well as compensation in an amount of 10,787,040 Russian roubles (RUB; approximately EUR 315,732) for pecuniary losses that he had sustained as a result of the adverse occupation of his estate and compensation in an amount of RUB 5,241,175 (approximately EUR 153,418) for the damage caused thereto. The applicant also stated that as a result of the unauthorised occupation of his estate he and his family had had to live in a refugee camp in appalling conditions which had resulted in the death of his nephew, and he claimed compensation of RUB 10,000,000 (approximately EUR 292,685) in respect of non-pecuniary damage.

49. The applicant filed numerous documents in support of his claims, including those confirming his and his brother’s title to the houses, industrial buildings and the plot of land, two registration certificates in respect of the Nedra company, his applications to various State bodies and respective replies, a copy of the judgment of 14 February 2001 and the bailiff’s reports on the police units’ failure to comply with that judgment as well as the certificate issued by the commission made up of the head of the local council of Bratskoye and local residents (see paragraph 23 above), together with the evaluation reports of 26 May 2000 and estimates of repair costs for his property.

50. On 23 January 2002 the District Court delivered its judgment. At the trial the defendant Ministry did not contest, as such, the accuracy of the applicant’s submissions or the evidence he had presented, but denied its responsibility for the consolidated police units, stating that they had formed part of the federal troops within the territory of Chechnya and had been under the command of the military authorities of the United Group Alignment. The court made no comment in respect of those submissions by the defendant Ministry. It examined the material before it and established that the applicant owned the property in question, that the local council had certified on 16 October 2000 the unauthorised occupation of that property by federal police units, that the applicant had requested the authorities to ensure his estate be vacated and that by a judgment of 14 February 2001 the Nadterechny District Court had ordered the eviction of the Tambov consolidated police units from the applicant’s premises...

104. The applicant complained under Article 8 of the Convention that the occupation by federal police units of his estate, which represented the only housing for him and his family, between October 1999 and June 2002, had infringed his right to respect for his home and his private and family life, and had constituted a temporary de facto expropriation of his possessions in breach of Article 1 of Protocol No. 1 to the Convention. Under the latter head the applicant also complained about the State’s failure to enforce the judgment of 14 February 2001 in a timely manner and the refusal of the domestic courts to award him compensation for the damage caused to his property by the federal forces...

192. The Court has found above that the temporary occupation by the federal police units of the applicant’s estate constituted unlawful interference with his rights under Article 8 of the Convention and Article 1 of Protocol No. 1. The applicant is therefore justified in seeking compensation for this interference. The Court further accepts, in the absence of any objections on the Government’s part, that the compensation in this respect should be awarded in the amount of the rent which the applicant would have received if his premises and the land transferred to his company under an indefinite lease had been rented by the federal authorities during the period of the occupation. The Court also notes in this connection that the Government did not contest the rates applied by the applicant, or suggest any alternative rates, for calculation of the amount sought, nor did they dispute the authenticity of the documents which he had submitted to corroborate his claims. Accordingly, taking into account the rates indicated by the applicant, its conclusion in paragraph 191 above, the fact that the occupation lasted from 13 October 1999 until

14 June 2002, i.e. for 32 months, the fact that, according to the documents in its possession (see paragraphs 10 and 58 above), the total surface area of the plot of land was 1.5 hectares, that of the applicant's house was 251.3 square metres and that of the industrial premises was 2,000 square metres, the Court awards the applicant EUR 112,000 under this head.

193. The Court further observes that it has also found a violation of Article 8 of the Convention and Article 1 of Protocol No. 1 on account of the damage inflicted on the applicant's estate, the existence and extent of which was confirmed by the evaluation reports submitted by the parties. It further notes that the applicant substantiated his claim with detailed estimates of the repair costs based on the said evaluation reports. Having regard to the documents submitted by the applicant and the fact that the Government did not dispute their authenticity, or the amounts indicated therein, which, in the Court's view, do not appear unreasonable, the Court accepts that the said amounts can serve as the basis for calculating the award in respect of the damage caused to the estate. On the other hand, the Court is not convinced that the sums indicated in the estimates submitted by the applicant should be multiplied by 4.28, as alleged by him. It is true that this coefficient was mentioned in the document of the Federal Agency for Construction, Housing Maintenance and Utilities dated 12 October 2006 (see paragraph 183 above) as the one applicable to the estimated costs of repair work in Chechnya in 2006 as compared to those in 2001. However, there is nothing in the document in question to suggest that the said coefficient reflects the inflation rate in Chechnya for the period 2001-2006, rather than providing some technical information in the field of construction work, or at least that it should be applied in a manner proposed by the applicant. The said document does not suggest any methods of calculation involving a coefficient that could be applied for index-linking of the financial losses incurred by the applicant. The Court has strong doubts, in any event, that the inflation rate in Chechnya in the period 2001-2006 reached, or even exceeded, 400 per cent, as alleged by the applicant. Accordingly, in the

FOR THESE REASONS, THE COURT UNANIMOUSLY

Holds that there has been a violation of Article 8 of the Convention and Article 1 of Protocol No. 1 as a result of the temporary occupation of the applicant's estate by the consolidated police units of the Russian Ministry of the Interior;

Holds that there has been a violation of Article 8 of the Convention and Article 1 of Protocol No. 1 as a result of the damage inflicted on the applicant's estate by the consolidated police units of the Russian Ministry of the Interior;

Holds that there has been a violation of Article 6 § 1 of the Convention on account of the denial to the applicant of access to a court between October 1999 and January 2001;

Holds that there has been a violation of Article 6 § 1 of the Convention on account of the prolonged non-enforcement of the judgment of 14 February 2001 in the applicant's favour;

Holds that there has been a violation of Article 6 § 1 of the Convention on account of the domestic courts' failure, in the 2002 proceedings, to examine the applicant's claims in respect of compensation for occupation of property and for non-pecuniary damage;

Holds that there has been a violation of Article 6 § 1 of the Convention on account of the arbitrary findings of the domestic courts as regards the applicant's claim in respect of compensation for the damage inflicted on his estate;

Holds that it is not necessary to examine the complaints made under Article 13 of the Convention.

Holds

that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:

EUR 157,000 (one hundred and fifty-seven thousand euros) in respect of pecuniary damage;

EUR 15,000 (fifteen thousand euros) in respect of non-pecuniary damage;

EUR 3,385 (three thousand three hundred and eighty-five euros) in respect of costs and expenses;

any tax, including value-added tax, that may be chargeable on the above amounts;
that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points..."

PATTERNS OF RETURN AND RESETTLEMENT

Return to Chechnya

Pressure to return to Chechnya (2009)

- Only half of returnees could find a space to live in temporary accommodation
- Returnees must also contend with the lack of jobs, poverty, lack of social assistance

AI, 1 July 2009:

"Chechen displaced people living in Ingushetia have come under pressure from the authorities to move back to Chechnya. At the end of February 2009 officials from the Chechen Republic and the Federal Migration Agency visited the Angusht camp for the displaced in Nazran, Ingushetia (35, Mutaliev St.) and told the people living there they should return to Chechnya. They were informed they would be removed from the special register for internally displaced people on 15 March. However, they are unable to return home because there is no suitable housing for them in Chechnya and they lack funds to rent accommodation. If they are removed from the register of "forced migrants" they will also lose their current accommodation in Ingushetia. Furthermore, if they move their children will have to change schools in the middle of the school year. Displaced people living in the Mekhan-Stroi camp (located at the Ordzhonikidze settlement, 9, Michurin St.) and in the Kristall camp (in Nazran) are in a similar position."

Кавказский Узел, 26 марта 2009г.:

"Ранее вынужденные переселенцы из Чеченской Республики неоднократно жаловались в различные правозащитные организации по поводу того, что их незаконно, без их ведома исключают из списков вынужденных переселенцев, снимают с учета в Миграционной службе и в целом создают невыносимые условия для проживания, вынуждая таким образом возвращаться в Чечню. В самой республике у обитателей ПВР, теперь именуемых «общежитиями для лиц, нуждающихся в улучшении жилищных условий», также возникают проблемы. Беженцы сообщали о случаях насильственного выселения из занимаемых ими помещений и других нарушениях со стороны чиновников и представителей правоохранительных структур.

В самой Чечне, согласно сообщению Правозащитного центра "Мемориал", при ликвидации пунктов временного размещения встречались случаи грубого нарушения прав граждан. Были зафиксированы случаи, когда людей насильно выселяли из комнат общежитий, выкидывая вещи, а иногда дело доходило и до рукоприкладства."

US DOS, 25 February 2009:

"During the year officials continued to stand by their position that they would not pressure or compel IDPs to return to Chechnya. However, the UNHCR reported that government officials stated their intention to deregister those IDPs who had received compensation from federal assistance lists and indicated that 52 families were deregistered in 2005. Those who were deregistered faced the threat of eviction from their accommodations in temporary settlements, despite their willingness to pay for the accommodation. Although some of the inhabitants chose to remain in Ingushetiya, the UNHCR estimated that 70 to 75 percent chose to return to Chechnya despite the inadequacy of temporary lodging. For example, in August 2007 the government of Chechnya submitted to the UNHCR a list of 169 IDP families, largely from Ingushetiya, willing to

return to Chechnya. The UNHCR reported that 1,141 IDPs returned to Chechnya from Ingushetiya in 2007. During the year the number of Chechen residents at temporary accommodation centers and temporary shelters decreased from 6,240 to 4,571...

The UNHCR reported that, despite passport checks and occasional security sweeps that continued in IDP settlements, IDPs were generally able to remain in Ingushetiya without any pressure to return."

Кавказский Узел, 29 апреля 2009г.:

"Вынужденным переселенцам из Чеченской Республики, временно живущим в местах компактного проживания (МКП) на территории Ингушетии предложено до 1 мая уехать домой. При этом на людей оказывается давление, заявляет председатель общественной организации "Комитет по защите прав вынужденных переселенцев", эксперт Московской Хельсинкской группы по Северному Кавказу Асламбек Апаев.

В пункте временного размещения вынужденных переселенцев (ПВР), как еще называют места компактного размещения беженцев из Чечни в Ингушетии, "Мехстрой", расположенном в станице Орджоникидзевская Сунженского района Республики Ингушетия, уже два дня нет электричества.

Это один из методов давления властей на проживающих здесь вынужденных переселенцев, которым предписано к 1 мая освободить занимаемые ими помещения. Так считают не только сами обитатели данного МКП, но и представители правозащитных организаций.

Как рассказал корреспонденту "Кавказского узла" Асламбек Апаев, находящиеся в Ингушетии вынужденные переселенцы намерены в ближайшее время провести чрезвычайный съезд беженцев, чтобы обсудить складывающуюся ситуацию и попытаться добиться защиты своих прав.

"Ситуация в местах компактного проживания вынужденных переселенцев в Ингушетии очень серьезная, и я даже сказал бы, что она накалена до предела, - говорит он. - Я вчера по приглашению вынужденных переселенцев побывал в нескольких ПВРах на территории Ингушетии и говорил с людьми. Особенно напряженная ситуация сейчас складывается в ПВР "Мехстрой" в станице Слепцовская (второе название Орджоникидзевская – прим. "Кавказского узла") Сунженского района. Два дня назад здесь отключили свет. Людей предупредили, чтобы до 1 мая они отсюда уехали, в противном случае угрожают выселить с помощью ОМОНа".

В этом ПВРе на данный момент проживает 52 семьи, это порядка 150 человек. В конце марта текущего года обитатели МКП "Мехстрой" были сняты, как считают сами переселенцы, незаконно, с учета в Миграционной службе Ингушетии работниками чеченского Управления ФМС (Федеральная миграционная служба). На основании этого от вынужденных переселенцев потребовали освободить занимаемые помещения и выехать в места постоянного проживания. В связи с этим беженцы обратились в суд, но этот вопрос до сих пор не решен.

"Помимо "Мехстроя" я побывал также в ПВРах "ЛогоВАЗ" в Назрани и "Промжилбаза" в городе Карабулак, - рассказывает Апаев. - Там ситуация точно такая же, как в "Мехстрое". Вынужденным переселенцам предписано до 1 мая выехать в Чечню. Правда, в этих случаях угроз выселить их с помощью ОМОНа не было, но люди очень обеспокоены".

По словам Апаева, в ПВРах на территории Ингушетии остаются в основном те, кому просто некуда ехать - их жилье разрушено в ходе военных действий, а вопросы выплат

полагающихся по закону компенсаций или предоставления временного жилья до сих пор не решены.

"Но чиновников ФМС и представителей органов власти это интересует меньше всего. Для них главное выполнить указание "сверху" и как можно скорее доложить о том, что все вынужденные переселенцы возвращены в Чечню", - говорит Апаев.

По словам правозащитника, проживающие на территории Ингушетии вынужденные переселены из Чечни намерены в ближайшее время провести чрезвычайный съезд, чтобы обсудить свое положение и вынести какое-то решение.

"Вынужденные переселенцы доведены до отчаяния. На них постоянно оказывается давление. Власти требуют от них вернуться в места постоянного проживания, но при этом фактически самоустраиваются от решения вопросов, связанных с принятием и обустройством людей. Легко, конечно, требовать от вынужденных переселенцев "ехать домой", не задумываясь при этом, где, на какие средства и как должны дальше жить эти люди", - считает правозащитник.

Согласно данным Асламбека Апаева, к настоящему времени на территории Ингушетии все еще остается порядка семи-восьми тысяч вынужденных переселенцев из Чеченской Республики. Процесс возвращения этой категории граждан в Чечню, по его мнению, носит "добровольно-принудительный" характер, а чиновники, ответственные за решение проблем вынужденных переселенцев, зачастую просто обманывают людей.

Ранее вынужденные переселенцы из Чеченской Республики неоднократно жаловались в различные правозащитные организации по поводу того, что их незаконно, без их ведома, исключают из списков вынужденных переселенцев, снимают с учета в Миграционной службе и в целом создают невыносимые условия для проживания, вынуждая таким образом возвращаться в Чечню.

В самой республике у обитателей пунктов временного размещения беженцев, теперь именуемых "общежитиями для лиц, нуждающихся в улучшении жилищных условий", также возникают проблемы. Имели место случаи насильственного выселения людей из занимаемых ими помещений и другие нарушения со стороны чиновников и представителей правоохранительных структур.

Представители Управления ФМС России по Чечне, между тем, утверждают, что ни о каком принудительно возвращении вынужденных переселенцев, равно как и о шантаже или оказании давления на них, речи не идет.

"Рано или поздно этим людям придется возвращаться к себе домой. За эти годы они настолько свыклись со своим положением, привыкли быть иждивенцами у государства и взваливать свои частные проблемы на органы власти, что теперь все и вся воспринимают в штыки. Но ведь это не может продолжаться вечно", - заявил корреспонденту "Кавказского узла" представитель УФМС.

По его словам, руководство Чечни делало и делает все возможное для того, чтобы решить проблемы вынужденных переселенцев, оказывает им любую возможную помощь. "Выделяет квартиры, земельные участки и так далее. Что еще нужно этим людям? Разве этого мало? Посмотрите на ситуацию с вынужденными переселенцами из Пригородного района Северной Осетии. Эти люди живут в ПВРах с 1992 года, даже сегодня для них не делается и малой части того, что руководство Чеченской Республики делает для своих граждан", - уверен представитель УФМС.

Лагерь и пункты временного размещения чеченских беженцев появились на территории Ингушетии осенью 1999 года, после начала второй военной кампании в Чечне. Тогда административные границы Чечни с другими республиками были полностью блокированы и лишь руководство Ингушетии предоставило беженцам возможность покинуть зону боевых действий. В общей сложности из Чечни в Ингушетию в первые месяцы контртеррористической операции перебралось от 300 до 350 тысяч человек.

Большинство вынужденных переселенцев из Чечни в разное время возвратилось на родину, но часть из них, (в основном это лишившиеся своего жилья семьи), все еще остаются в Ингушетии. Согласно официальным данным, на учете ФМС в Ингушетии в период с 2006 по 2009 год состояло чуть более трех тысяч человек."

UN CERD, 20 August 2008:

"21. While noting the information from the Russian delegation concerning the considerable number of internally displaced persons (IDP) who have returned to the Chechen Republic and the substantial funds allocated to facilitating their return, the Committee is nevertheless concerned about reports that IDPs from Chechnya are sometimes pressured to return and to relocate from temporary accommodation centres in Ingushetia and Grozny, and that IDPs within Chechnya are not eligible for, and those outside Chechnya are sometimes denied, forced migrant status (art. 5 (d) (i) and 5 (e) (iii)).

The Committee recommends that the State party ensure that internally displaced persons from Chechnya are not pressured to return to their pre-conflict places of residence if they fear for their personal safety, that returnees who are relocated from temporary accommodation centres in Ingushetia and Grozny are provided with adequate alternative housing, and that all IDPs are granted forced migrant status and the related benefits."

See also "[Apaev: Chechen refugees are driven home from Ingushetia](#)," Caucasian Knot, 29 April 2009.

Unfulfilled promises from government officials on return to Chechnya (2009)

- Promises of adequate housing in Chechnya not fulfilled upon IDP return

МХГ, 14 апреля 2009г.:

"Процесс возвращения вынужденных переселенцев из Чечни, временно проживающих на территории Ингушетии, осуществляется с нарушением прав граждан. Людей в республику возвращают обманом, шантажом и угрозами.

Так считает эксперт Московской Хельсинкской группы по Северному Кавказу, руководитель Комитета по защите прав вынужденных переселенцев Асламбек Апаев. По словам правозащитника, в связи с многочисленными жалобами и обращениями временно проживающих в Ингушетии жителей Чечни, он в конце минувшей недели совершил инспекционную поездку в места компактного проживания вынужденных переселенцев и убедился в том, что людей возвращают домой «добровольно-принудительно»...

«Люди жаловались в первую очередь на произвол чиновников, которые вместо того. Чтобы решать проблемы вынужденных переселенцев, незаконно снимают с учета в Миграционной службе целые семьи, угрожают всевозможными карами и требуют немедленно возвращаться в Чечню. Чтобы ознакомиться с этой ситуацией. Я лично выезжал в конце прошлой недели в Ингушетию и повел мониторинг ситуации. Обстановка действительно крайне удручающая и серьезная. Процесс возвращения носит

«добровольно-принудительный» характер, а чиновники, ответственные за решение проблем вынужденных переселенцев, зачастую их просто обманывают», - утверждает эксперт.

«Например, я был в МКП (место компактного проживания) «Мехстрой» в станице Слепоцовская 9сунженский район Ингушетии), Так обитателей этого лагеря путем подделки заявлений исключили из списков Миграционной службы. По словам людей, с февраля текущего года к ним в МКП стали наезжать работники Управления Миграционной службы Чечни и Ингушетии, которые требовали сниматься с учета (так называемая форма № 7), и возвращаться домой. Люди бы рады вернуться, но им просто некуда ехать. Так как их жилье разрушено в ходе военных действий, а обещанных компенсаций до сих пор никто не выплатил. Однако, чиновников проблемы людей волновали меньше всего. Им надо было как можно скорее отчитаться перед вышестоящим начальством и все», - сказал он.

«Эти «переговоры» между вынужденными переселенцами и чиновниками продолжались до апреля текущего года..2-го апреля владелец «Мехстроя» (арендодатель Ахмед Арчаков) объявил проживающим здесь вынужденным переселенцам (а это 52 семьи, которые состоят из порядка 150-ти человек), что все они сняты с учета в Миграционной службе Ингушетии, и в течение двух дней должны либо освободить занимаемые ими помещения, либо выплачивать арендную плату в размере одной тысячи рублей, - говорит Апаев. Между тем, ни один из вынужденных переселенцев заявлений с просьбой снять их с учета в Миграционную службу не писал».

«Проживающие в «Мехстрое» вынужденные переселенцы обратились к руководству Управления Миграционной службы Ингушетии за разъяснениями. В ходе разбирательства, как заявили мне сами обитатели этого МКП, выяснилось, что заявления от имени вынужденных переселенцев с просьбой о снятии их с учета были написаны одной рукой, а подписи подделаны. То есть фактически речь здесь идет о фальсификации документов. И таких явных «проколов» у чиновников очень и очень много», - сказал он."

Мемориал, 26 марта 2009г.:

"Вынужденных переселенцев из Чечни, обитающих в пунктах временного размещения в Ингушетии, заставляют возвращаться домой. Они говорят, что ехать некуда...

несколько семей, до последнего времени проживавшие в Ингушетии, были перевезены в Грозный и поселены в выделенных им квартирах. Власти обещают оказать возвращающимся всю необходимую помощь. Но у людей есть по этому поводу серьезные сомнения.

3 марта на пошедшем в Грозном совещании президент Чечни Рамзан Кадыров потребовал от глав администраций районов республики вернуть из Ингушетии всех вынужденных переселенцев и оказать им помощь. «Мы обязаны помочь людям, которые вынуждены были покинуть республику в ходе боевых действий. При необходимости выделить стройматериалы, жилье, если оно разрушено, помочь в получении компенсации, то есть сделать все необходимое для обустройства», - заявил он.

Однако некоторые переселенцы, до сих пор проживающие в Ингушетии, утверждают, что не знают, куда им возвращаться. Более того, по словам людей, приехавшие к ним на встречу представители органов власти Чечни требуют от них немедленно возвращаться домой, не представляя при этом никаких гарантий...

Ранее вынужденные переселенцы из Чеченской Республики неоднократно жаловались в различные правозащитные организации по поводу того, что их незаконно, без их ведома исключают из списков вынужденных переселенцев, снимают с учета в Миграционной

службе и в целом создают невыносимые условия для проживания, вынуждая таким образом возвращаться в Чечню. В самой республике у обитателей ПВР, теперь именуемых «общежитиями для лиц, нуждающихся в улучшении жилищных условий», также возникают проблемы. Беженцы сообщали о случаях насильственного выселения из занимаемых ими помещений и других нарушениях со стороны чиновников и представителей правоохранительных структур.

В самой Чечне, согласно сообщению Правозащитного центра "Мемориал", при ликвидации пунктов временного размещения встречались случаи грубого нарушения прав граждан. Были зафиксированы случаи, когда людей насильно выселяли из комнат общежитий, выкидывая вещи, а иногда дело доходило и до рукоприкладства."

Returnees from Ingushetia displaced again within Chechnya (2009)

- Returnees face subsequent displacement in Chechnya upon return
- People returning to Chechnya are accommodated in collective temporary accommodation
- Some who have received permanent accommodation from the government have been displaced again since the property is contested

UNHCR, 20 August 2009:

"Secondary displacement is experienced mainly by IDPs returning from the temporary settlements in Ingushetia to Chechnya where they are accommodated again in the hostels, which are considered as temporarily housing (TACs or TSs). Often families staying in TACs were displaced more than twice within Chechnya after their return from the tented camps or temporary settlements of Ingushetia. There were also reports on secondary displacements of IDPs, TACs residents who received apartments for the relinquished Government fund. The ownership rights of many of those apartments have been contested and it has been revealed during the court proceedings that some of the apartments belong to the private owners. As a result, IDPs had to be relocated to other TACs or went to the private sector where they stay with their relatives."

Мемориал, 3 августа 2009г.:

"Проблема жилищного обеспечения ВПЛ, возвращающихся в Чечню из мест, куда они были вынуждены бежать, спасаясь от военных действий и разрухи, по-прежнему остро стоит в Чеченской республике..."

Самый традиционный сценарий выглядит следующим образом. Людей, уже более или менее обустроившихся на новом месте, чиновники убеждают в том, что им будет обеспечена возможность нормальной жизни. Им сулят предоставить жильё, гарантируют безопасность, социальные права, - и те, доверившись администрации родного города или поселка, приезжают. Однако зачастую то, с чем им приходится столкнуться на месте, сильно отличается от картин, которые рисовали уговорившие их вернуться.

Характерный пример – история жителей села Бамут Ачхой-Мартановского района. В настоящее время там в МКП проживает 18 семей. Все они являются жителями с. Бамут и почти у всех еще во время первой войны в 1995 г. полностью разрушено жильё. Не успели люди закончить восстановление домов, как в начале второй войны здания были разрушены вторично.

Эти семьи были возвращены из лагерей беженцев, расположенных в Республике Ингушетии (РИ), людям обещали, что восстановят жильё и помогут с обустройством. В

2006 г.они вернулись. Однако власти своих обещаний не выполнили, граждане оказались предоставлены самим себе и никакой помощи им не оказывалось.

Условия проживания в МКП ужасны. Газ и электричество людям пришлось проводить самостоятельно, вода - только во дворе. Многодетные семьи проживают в одной или, в лучшем случае, в двух необустроенных комнатах. Нужно отметить, что эти семьи не только полностью лишились жилья и имущества за годы военных действий, но и относятся к категории малоимущих. Обещав людям обеспечить, помимо жилья, безопасность, их практически обманом вынудили вернуться домой, где они оказались между двух огней. По халатности или несостоятельности правоохранительных органов членам незаконных вооруженных формирований (НВФ) удается проникать в село, а расплачиваются за это местные жители, - страдая и от бойцов НВФ и от противоправных действий самих силовых структур.

После многократных обещаний Правительство ЧР весной 2009 г. взяло на себя обязательство восстановить дома для всех жителей этого МКП. Глава администрации с. Бамут составил список жителей и отправил его в районную администрацию для дальнейшего рассмотрения.

Пяти семьям из семнадцати было отказано заранее. Удивленным людям объяснили, - ссылаясь на распоряжение президента Кадырова, - что, так как среди их родственников есть боевики, то, следовательно, они, как родственники, являются пособниками бандитов...

Люди, возвращающиеся в большие города, тоже испытывают огромные сложности с жилищным обустройством. В одних случаях жилье так и остается обещанием. В других – людям выдают документы, в соответствии с которыми они якобы могут занять жилплощадь, но на практике оказывается, что жилища, зарегистрированного по данному адресу, не существует или оно непригодно для проживания. Часто случается и так, что вернувшимся предоставляют обещанное – но когда семья уже готова переехать в новый дом, выясняется, что у него есть другие хозяева, которые считают его своим на вполне законных основаниях. Чаще всего, в ответ на претензии и жалобы администрация ограничивается выделением суммы, на которую можно снимать жилье в течение определенного времени, после чего навсегда вычеркивает данного человека из категории нуждающихся в помощи, видимо, полагая, что все обязательства перед ним выполнены...

Таким образом, ситуация с жилищным обеспечением возвращающихся ВПЛ крайне неутешительна. Людей фактически ввели в заблуждение – пообещав ли им жилье взамен разрушенного и тем самым, убедив приехать в места прежнего проживания или же вынудив покинуть, превращенные в общежития, закрывающиеся ПВР в расчете на то, что жилье им будет предоставлено.

Как это легко предположить, жертвами стремления чиновников разрешить проблему как можно скорее и безо всякого учета последствий становятся самые беззащитные. Те, кто и до начала военных действий не имел собственного жилья и был вынужден снимать квартиру или комнату. Пенсионеры, получившие в свое время жилье еще от Советского государства и рассчитывавшие жить в нем на старости лет, - теперь жилье разрушено, а старые люди не могут его восстановить по возрасту и состоянию здоровья. Женщины, чьи мужья погибли или пропали без вести во время войны. Многодетные одинокие отцы и матери.

Все перечисленные категории ныне лишены возможности обустроиться самостоятельно. Никто из них не может без государственной помощи приобрести или восстановить жилье. Сначала их заставляют покинуть временные, но уже как-то обжитые помещения, дают им обещания и гарантии, которым они не слишком доверяют. Однако действительность

оказывается еще хуже самых пессимистических ожиданий: те, кто совсем недавно утверждал, что гарантирует им помощь, отказываются от своих обязательств, оставляя людей на улице."

ECHO, 15 May 2009:

"Today, this "normalisation" process has turned into a massive reconstruction and rehabilitation effort and, despite the persistent lack of shelter due to destruction, most people displaced in Ingushetia have come back to Chechnya, although sometimes for a second displacement within Chechnya."

Government of the Russian Federation, 20 December 2007:

"Over the period 2006-2007, according to information provided by the Procurator's Office of the Republic of Ingushetia, no reports or communications were received by the State authorities, review bodies or law enforcement agencies of Ingushetia from members of the public, enterprises, institutions, organizations or officials claiming that pressure was put on displaced persons living in refugee camps in the Republic of Ingushetia to force them to return to the Chechen Republic. The return of internally displaced persons from Ingushetia to Chechnya takes place on a voluntary basis, and alternative accommodation is provided in the event that temporary accommodation centres are closed."

UN, 4 September 2007:

"There is a reported outflow of IDP population from Ingushetia to Chechnya. IMC reported the on going migration processes within IDP population in settlements with increasing number of IDPs moving into settlements in Nazran. In addition, IMC reported that in a two week period more than 900 people (from 13 of 32 IMC assisted IDP settlements) left for Chechnya. Largely it is linked to the situation escalation in Ingushetia in increased presence and special operations by the Russian federal forces and more or less comparative stability in Chechnya. There is an increase fear for potential pressure on young men from the present law enforcement structures."

Conflict and Health, 13 March 2007:

"Recent developments in the Caucasus have overtaken the situation surveyed in early 2004, with the authorities rapidly closing the spontaneous settlements in Ingushetia and sending the IDPs back to the Temporary Accommodation Centres (TACs) in Chechnya. Our survey data showed that many who returned to Chechnya from Ingushetia were simply changing their status from being IDPs outside to being IDPs inside Chechnya. The fate of those IDPs accommodated in TACs remains an important longer-term question. As of March 2007 concerns remain about how the authorities manage the return process and whether considerations on the wellbeing and health of this group are being taken into account while planning this process."

Pattern of return to Chechnya (2009)

- Most returnees from Ingushetia prefer to return to their former place of residence
- However, their homes are often in need of repair and so are staying with relatives or in temporary accommodation
- IDPs living in private accommodation in Ingushetia usually return spontaneously
- Return is accomplished in phases, with only some family members returning first

UNHCR, 20 August 2009:

"Majority of IDP returnees from Ingushetia prefer to return to Chechnya to the places of their former residence. However, due to absence of own habitable shelter many are staying at their relatives places or settled at TACs or TSSs, at the districts of their permanent registration IDPs who were residing in the TS of Ingushetia, are provided with a room/s in the TACs by the Chechen authorities. IDPs from the private sector of Ingushetia usually return to Chechnya spontaneously. The situation with accommodating IDPs in TACs/TSSs is complex due to the limited number of vacant rooms in the hostels and inadequate living conditions in most TACs. Split families usually return from the Russian Federation regions, CIS countries and Europe when some families members come to Chechnya on go and see visits whilst others prepare arrangements for the future return of the remaining members. Seasonal migration is not typical for returns from Ingushetia though there were some IDP families from Ingushetia and other regions of Russia who came with their children for summer holidays and left Chechnya before the start of the school year."

07.05.2009 <http://chechnya.gov.ru/page.php?r=126&id=5293>

Правозащитник: съезд в Назрани не состоится

Запланированный на 1 июня 2009 года в Назрани съезд так называемых «чеченских беженцев в Ингушетии» не состоится. Такое решение было принято его организаторами после проведения дополнительных исследований и ряда встреч по данному вопросу.

«В настоящее время никакой необходимости в такого рода съезде не существует. Я провел ряд встреч и могу заверить всех, что власти Чеченской Республики делают все возможное для разрешения любых вопросов, возникающих у бывших вынужденных переселенцев», - сообщил один из организаторов планировавшегося съезда, эксперт Московской Хельсинкской группы на Северном Кавказе Асламбек Апаев.

По словам правозащитника, в течение последней недели они «проводили дополнительный мониторинг ситуации вокруг чеченских беженцев, возвращавшихся в места своего постоянного проживания в Чеченской Республике».

«С Уполномоченным по правам человека Нурди Нухажиевым мы проехали все места, в которые заселяют вернувшихся из Ингушетии – многоэтажки на бульваре Дудаева, дом в центре Грозного по улице Первомайской, комфортабельные коттеджи в районе 20-го участка Грозного. Везде этим людям создаются самые благоприятные условия для жизни. Жителям сельских районов выделяются земельные участки и строительные материалы. Вне очереди выплачены компенсации», - сказал А. Апаев.

Также А. Апаев сообщил, что, по его информации, всем людям, на настоящий момент находящимся в Ингушетии, руководством республики предлагались варианты для приезда в Чеченскую Республику. На встречу с ними выезжали делегации администрации Грозного и Парламента Чеченской Республики, главы администраций районов.

«Мы убедились, что проблема возвращения вынужденных переселенцев в Чеченскую Республику и создания им условий для проживания не существует. Ситуация не нуждается в проведении каких-либо съездов, митингов и иных массовых мероприятий. Если кто-то не желает возвращаться, это его проблема», - сообщил журналистам А. Апаев.

По данным руководителя Управления Федеральной миграционной службы по Чеченской Республике Асу Дударкаева, в последнее время в республику из Ингушетии было возвращено 760 семей (3121 человек), размещавшихся в местах компактного проживания.

«Задача, поставленная руководством республики – вернуть домой всех внутривыселившихся лиц и создать им нормальные условия в местах постоянного

проживания, тем самым была выполнена. Всего же нами было возвращено более 300 тысяч человек», - сообщил А. Дударкаев.

Правительство РФ, 31 декабря 2008г.:

"По мере стабилизации ситуации в Чеченской Республике повысилась активность по возвращению жителей в места постоянного проживания."

УВКБ, 31 март 2008г.:

"Темп возвращения из Ингушетии в Чечню оставался низким."

UNHCR, 5 September 2007:

"There are a few grounds for optimism – the security situation has improved, the economy is showing signs of recovery, and most of the ethnic Chechens who fled their homes during two wars have since returned. But despite the advances, serious challenges remain and the UN refugee agency is helping the returnees and those who remain displaced to face new hurdles."

UN OCHA, 12 December 2006:

"Large numbers of IDPs left Ingushetia to return to Chechnya in 2006 after a vigorous promotional campaign conducted by the Chechen government over the summer. UNHCR and NGOs assisted a large number of IDPs voluntarily returning with emergency shelter to facilitate their initial reintegration in Chechnya.

[...]

This double demand for shelter, i.e. temporary accommodation during displacement and permanent housing for durable solutions, still remains a tremendous challenge...Also, next to security concerns, the lack of shelter is still the most serious constraint cited by IDPs hoping to return."

Number of returnees to Chechnya (2009)

- Over 57,000 people had returned to Chechnya by early 2007
- Some 1200 IDPs returned to Chechnya from Ingushetia in 2007 and 2008

UNHCR, 20 August 2009:

"Number of returnees:

Number of IDPs who returned in 2008: 316 (UNHCR estimate), 430 (FMS Chechnya estimate)

Number of IDPs who returned in 2009: 389 (UNHCR estimate), 1662 (FMS Chechnya estimate)

Total number of returnees to date: 44,302 (UNHCR cumulative figure since 2003), 255,000 (FMS Chechnya cumulative figure since 1999)"

ODI, 28 February 2009:

"Most of the estimated 250,000 people who fled Chechnya during the first wave of violence between 1994 and 1996 returned before the second war. Many were displaced once more during the second conflict. Improved security in Chechnya has prompted the return of over 200,000 people from Ingushetia. According to DRC, in 2000 there were approximately 250,000 IDPs in Ingushetia, but by 2007 this had fallen to an estimated 15,000. A further 5,000 people fled to Dagestan during the first conflict, and an estimated 6,000 during the later one. Approximately 1,000 of these 11,000 people are thought to have returned, with the remainder likely to stay in Dagestan.[A total of 887,000 people displaced by both wars have returned to Chechnya, including those displaced within Chechnya.]"

Власти Чеченской Республики занимаются обустройством внутриперемещенных лиц

Власти Чеченской Республики занимаются обустройством внутриперемещенных лиц, вернувшихся из Республики Ингушетия на родину.

13 марта Президент Чеченской Республики Рамзан Кадыров поручил главам районных и городских администраций республики завершить работу по возвращению в места прежнего проживания внутриперемещенных жителей республики, проживающих на территории Республики Ингушетия (РИ), и обеспечить их всеми необходимыми условиями для проживания.

Как сообщил руководитель Управления Федеральной миграционной службы ЧР Асу Дударкаев, в республику до первого апреля будут возвращены все беженцы, проживавшие в местах компактного проживания (МКП) в Ингушетии.

«По сути, этот вопрос мы считаем закрытым. Большинство из них уже возвращены в свои дома. Мы продолжаем возвращать людей домой, обеспечивая им необходимый транспорт, в том числе и для перевозки личных вещей», - сказал Дударкаев.

На февраль месяц на регистрационном учете в ОФМС России по Ингушетии состоял 3141 человек, из них 1752 были сняты с учета ранее (выдана компенсация), но продолжали оставаться в МКП.

Дударкаев сообщил, что на сегодняшний день заявления о снятии с регистрационного учета в ОФМС подали еще более 1200 человек, тем самым

все бывшие беженцы (760 семей) будут возвращены в республику до конца месяца.

По данным А. Дударкаева, основная масса возвращающихся граждан (до 55-60% жителей) возвращается в свои сохранившиеся домовладения и квартиры. Остальная часть временно размещается у своих родственников до решения жилищных вопросов.

При этом он отмечает, что руководство республики, городские и районные власти уже приступили к решению проблем вернувшихся.

«Им предоставляются комнаты в семейных общежитиях, граждане также размещаются в арендованных на средства администраций квартирах», - сказал Дударкаев.

Как сообщают в администрациях районов, тем лицам, у которых имеются стопроцентные разрушения, арендуются квартиры, оказывается содействие в решении компенсационных вопросов. Обратившимся с просьбой о выделении стройматериалов выделяется необходимый стройматериал, решаются также вопросы в получении пособий по безработице.

В частности, по сообщению администрации Грозного, в столицу возвратилось более 90 семей. Большинство из них вернулись в свои домовладения и восстановленные квартиры, а также размещены в семейных общежитиях. 40 гражданам власти города оказывают содействие в получении компенсации.

При этом в администрации города сообщают, что в ходе проверок выяснилось, что 122 семьи, проживая в Грозном, продолжали числиться в Ингушетии как беженцы, получая гуманитарную помощь. На сегодняшний день ими написаны заявления о снятии их с учета.

Ачхой-Мартановский район принял более 100 семей, из которых более 40 вернулось в свои дома. 20 семей подали заявление на ускорение вопроса выплаты компенсации за разрушенное жилье, 29 семьям администрацией района до решения жилищного вопроса будет произведена оплата за аренду жилья, одной семье выделен земельный участок под строительство.

Кавказский Узел, 26 марта 2009г.:

"По данным Управления Федеральной миграционной службы Чеченской Республики, из Ингушетии в Чечню за последние три года возвратился 3121 человек.

С 1999 года по 2007 год из Республики Ингушетия в Чеченскую Республику возвращено более 250 тыс. человек, сообщает сайт президента и правительства Чечни. "

Правительство РФ, 31 декабря 2008г.:

"Управлением ФМС России по Чеченской Республике совместно с органами исполнительной власти Чеченской Республики и Республики Ингушетия проведена большая работа по возвращению в Чеченскую Республику внутренне перемещенных лиц (ВПЛ). В результате за период с 1999 г. по 1 ноября 2007 г. возвращено и обустроено в местах постоянного проживания, в пункты временного размещения и в местах компактного проживания 250 тыс. человек. Из них более 80 тысяч человек обеспечивалось теплом, питанием и всем необходимым...

В рамках реализации поручения Президента Российской Федерации от 11 июля 2001 г. № Пр-1277 ФМС России и другими заинтересованными федеральными органами исполнительной власти осуществлялась работа по созданию условий для возвращения ВПЛ на территорию Чеченской Республики. Мероприятия проводились при содействии УВКБ ООН.

В 2007 г. эта работа практически завершилась. Совместно с Правительством Чеченской Республики преобладающему большинству граждан данной категории ФМС России оказано содействие в добровольном возвращении в места прежнего проживания в Чеченской Республике (более 300 тыс. человек, из них более 6 тыс. человек – в 2007 г.)."

Government of the Russian Federation, 20 December 2007:

"In the first half of 2007, 28,041 people received assistance in returning to a permanent residence in the territory of the Chechen Republic."

Swisspeace, 3 May 2007:

"The program on facilitating the return of IDPs has entered a new phase. Last year approximately 7,000 IDPs returned to Chechnya including 89 people from Georgia. By early 2007 the total number of returnees reached over 57,000 people. More than 50 temporary accommodation centers for IDPs were created as an interim measure. The authorities have recently begun activities aimed at closing the temporary accommodation centers and providing these people with proper housing through financing the reconstruction of destroyed homes or granting apartments."

Return to Chechnya from Dagestan (2007)

- Lack of housing and jobs stand in the way of return to Chechnya
- About half of the IDPs in Dagestan want to return to Chechnya
- Most plan on returning to original place of residence and expect the main problems on return will be reconstruction of shelter and lack of jobs

Updated information on this topic could not be found among sources consulted

UN, 1 May 2008:

"From 10 December 2007 to 20 January 2008, Vesta Khasavyurt office conducted a survey among IDPs from Chechnya residing in Dagestan. The survey aimed to clarify IDPs' plans for integration in Dagestan or return to Chechnya, reasons preventing them from returning to Chechnya and the type of assistance they needed to return; availability of housing in Chechnya, its present state and places of residence of IDPs who did not own houses in Chechnya; the number of IDPs registered with nongovernmental organizations (the Danish Refugee Council and the International Red Cross Committee). The survey revealed that 1,937 persons (410 families) were willing to return to Chechnya and already knew tentative dates of their return, while 1,781 persons (432 families) wanted to stay in Dagestan."

UNHCR, 17 April 2008:

"A recent survey conducted by UNHCR's partners covering 855 families (3,788 persons), more than 50% of IDPs belonging to a Dagestani ethnic groups wish to integrate in Dagestan. Those wishing to return to Chechnya (48%) expressed to be unable to do so because of lack of shelter and employment in Chechnya."

DRC, 28 February 2007:

"402 forced migrants households from Chechnya, residing currently in Dagestan (DRC covered districts) have been surveyed. It makes 1/3 (about 36%) of all DRC food beneficiaries in Dagestan. The survey has been implemented by FSR field assistants on distribution points while distributing food relief. The survey was conducted anonymously, thus having no impact on DRC beneficiaries lists. Thus the survey is supposed to have a relatively high level of precision [...]"

More than half (about 55% of IDPs) in Kizlyarsky district are going to stay in Dagestan. It is explained by the fact, that the temporary settlements in the district are occupied by former villagers of Kenkhi settlement, Sharoysky district of Chechnya (Avar sub-nationality of Dagestan). The majority has moved to those places to be closer to their relatives, that have removed to Dagestan a time earlier for permanent residence. The process of removing started in terms of active military actions in Chechnya, 1994-1996. The second flow of migrants was caused by the second military campaign of 2000 year and catastrophic landslide in June, 2002, that had destroyed a lot of houses.

Regarding other districts, just 20-30% of IDPs intend to stay in Dagestan. The same situation we witness in the Ingush Republic, with just 20-30% of Chechen IDPs willing to stay for permanent residence in Ingushetia (absolute majority is represented by Ingush nationality).

Return to Chechnya

District	No	Yes
Kizlyarski	90	75
Nogayski	11	30
Tarumovski	18	50
Khasav-Yurtovski	25	103
Total	144	258
%	36%	64%

The term of returning has been variously determined by different households. Many of those, that have expressed endeavor to turn back in 3 years, probably would like to stay in Dagestan, but have problems with shelter in Dagestan. They hope to buy their own accommodation or adjust their current one (reconstruct it, add an extra premise e.t.c.) in 3 years. The rest 72% (1year+3 years) are probably waiting for improving of security situation in Chechnya and are currently

rehabilitating their shelter in Chechnya. Chapter IV of the given report elaborates on the main problems, returnees to Chechnya face with.

When Planning to Return

District	1 year	3 years	After 3 years
Kizlyarski	31	18	26
Nogayski	10	14	6
Tarumovski	24	18	8
Khasav-Yurtovski	27	42	34
Total	92	92	74
% of those turning back (258 households)	36%	36%	29%

Absolute majority of IDPs (of 258 households) are going to turn back to the points of previous residence. Just 8% of returnees are going to change point of residence. The main reasons for the willing to change place of residence, when being back to Chechnya, are mentioned below. For 80% of Kizlyarsky district IDPs landslides (Kenkhi settlement) are crucial, for Nogaisky IDPs –destroyed houses, for Tarumovsky IDPs-security, for Khasav-Yurtovsky- all noted reasons almost equally.

District	No	Yes
Kizlyarski	8	67
Nogayski	2	28
Tarumovski	4	46
Khasav-Yurtovski	7	96
Total	21	237

The most essential problems for IDPs, planning to return to Chechnya in the nearest 3 years, are:

- necessity of construction/reconstruction of shelter (from 31% of returnees in Tarumovsky up to 56% in Khasav-Yurtovsky districts);
- unemployment (from 10% in Khasav-Yurtovsky up to 50% in Nogaisky);
- search of new shelter (obviously willing to move to new place of residence in Chechnya) from 10% of returnees in Kizlyarovsky up to 20% in Tarumovsky and Khasavyurtovsky districts).
- necessity of other sources of income (from 3% in Kizlyarsky up to 18% in Tarumovsky).

District	Shelter reconstruction	Job placement	Search of shelter	Other sources
Kizlyarski	45	55	14	4
Nogayski	29	30	1	
Tarumovski	29	30	19	17
Khasav-Yurtovski	75	11	24	20
Total	178	126	58	41
% of 258 households	69%	49%	22%	16%

Lack of housing and jobs are main obstacles to return (2009)

- IDPs are not returning to Chechnya mainly because of lack of housing and jobs at original place of residence
- Insecurity and property-related issues are also still discouraging return to some areas in Chechnya

ODI, 28 February 2009:

"Other property-related issues affecting return include multiple competing claims to property, none of which has a basis in law. Corrupt officials seek to sell off property for personal gain, and local organisations highlight many examples of unlawful commandeering of private property by the state, without due notification or compensation. In Oktyabrsky Rayon in southeastern Grozny, a block of flats has been taken over as a site for a court, and people cannot get compensation. The central market in Grozny, a site of historic importance, was razed to the ground, affecting the trade and employment opportunities of thousands of people. In rural areas, land privatisation has been slow, which means that many fields lie fallow. According to one USAID report, people are reluctant to make longer-term investments such as orchards if land tenure is not clear. Lack of availability of land plots for new housing has disproportionately affected young people. Traditionally, the youngest son remains in the family house with his new family and other sons build new houses elsewhere, but this is not possible in the context of limited land availability."

UNHCR, 17 April 2008:

"Until early 2007 most displaced reported security concerns and lack of rule of law in Chechnya as the major impediments to return, UNHCR has noted a gradual shift in the major reason for not returning to Chechnya towards more emphasis on lack of shelter and lack of employment."

UNHCR, 1 December 2007:

"The security situation in the northern Caucasus is still of concern. UNHCR has had limited access to people of concern in that area, even more so after it closed its office in Ingushetia in spring 2007 for security reasons... In the northern Caucasus, the overall security environment remains a concern and is affecting the return of refugees and IDPs and their (re)-integration prospects."

UNHCR, 30 June 2007:

"[...] 95.8% of the 593 IDPs families residing in TSs in Ingushetia and willing to return to Chechnya declared that the lack of accommodation is their major obstacle to return [...]"

It is visible that considerations related to accommodation prevail over strict "protection" and personal security issues in both republics. The restoration of security guarantees in the areas of origin account for only 0.2% of all answers on the condition to vacate the TSs/TACs in Chechnya. Analogously, only 0.3% of the IDP families still residing in TSs in Ingushetia have mentioned personal security concerns at their current main problem in Ingushetia and 3.5% of the IDPs willing to return to Chechnya consider personal insecurity as a concern, with this percentage decreasing to 0.4% of the would-be returnees when it is considered as the first obstacle to the return."

DRC, 28 February 2007:

"Respondents identified the following reasons in favour of staying in Dagestan:
Security issues - in Kizlyarsky (33% of those staying for permanent residence in the district) and Taramovsky (24%) districts;
Absence of own shelter in Chechnya - in Nogaisky (up to 50% of those staying), in Khasav-Yurtovsky (about 35%), in Taramovsky (21%);

Unemployment in Chechnya - in Kizlyarsky (21% of those staying) и Khasav-Yurtovsky districts (16%);

Totally destroyed house – Tarumovsky (26% of those staying) and Kizlyarsky (15%);

Would like to settle down in Dagestan – Khasav-Yurtovsky (up to 26% of those staying)

Other reasons take a small part of the total.

District	Security	No shelter	No work	Destroyed shelter	No relatives	Want to stay in D	Overseas
Kizlyarski	45	17	34	26	13	4	
Nogayski	2	7	2	2			
Tarumovski	6	6	2	7	2		
Khasav-Yurtovski	3	10	5	1	1	8	1
Total	56	40	43	36	16	12	1
% of those staying(144)	39%	28%	30%	25%	11%	8%	1%

UN OCHA, 12 December 2006:

"In all North Caucasus republics the reasons for protracted displacement remain a major concern for the international community in general and the protection actors in particular. Many of the reasons can be attributed to lack of shelter and job opportunities, but IDPs often cite security and protection concerns related to weak rule of law structures. These concerns are also voiced by many of the returnees to the Chechen Republic."

UN Commission on Human Rights, 26 January 2006:

"65. Apart from the primary concern of security, many IDPs in Ingushetia do not want to return to Chechnya as the majority of houses in Chechnya, particularly in Grozny, have been completely or partially destroyed, both as a result of fighting and deliberate destruction by Russian forces or Chechen fighters, and if their homes have not been destroyed, other people may have taken possession of them. In these circumstances, returning IDPs would be forced to live in temporary accommodation centres (TAC). There are not enough TACs and the living conditions are precarious, there is no water, electricity, gas and sanitary facilities, and they are overcrowded."

Long-term plans of IDPs who are living in Ingushetia (2007)

- Most IDPs living in temporary accommodation in Ingushetia intend to return to Chechnya; about 25 per cent plan on staying in Ingushetia
- IDPs who want to stay in Ingushetia are doing so because of lack of housing in Chechnya and security concerns, and not to interrupt the school year

Updated information on this topic could not be found among the sources consulted

UN, 1 May 2008:

"In February 2007, to implement the UNHCR shelter programme for families integrating in Ingushetia, Vesta staff surveyed IDPs in 78 compact settlements. Over 300 families of 1,092 families participating in the survey said they wanted to settle down in Ingushetia on a permanent basis. In November 2007, Vesta staff repeatedly interviewed these families in order to make sure their intentions were unchanged."

UNHCR, 30 June 2007:

"Out of the 1,097 surveyed families, 54.2% (593 families) declared their intention to return to Chechnya, 24.3% (268 families) opted for the possibility to integrate locally in Ingushetia, whereas 21.5% (236 families) declared to be still undecided. This relatively high percentage of undecided families can maybe be explained by the fear of IDPs that the results of the survey be used to cut them off from humanitarian assistance in case of a clearcut choice, despite the introductory explanation on the aim of the exercise that monitors were instructed to give before every interview. However, it may also be assumed that the uncertainty is referred rather to the timing of return than to the decision per se.

In absolute terms, most of the IDPs willing to return are currently residing in TS in the Sunzhenski district (45.5% of all IDPs planning to return) and in the Nazran municipal district (33.7%) and less in the other districts (12.0% Karabulak, 4.7% Malgobek and 4.0% Nazran Rural District).

As for those who express their preference for local integration, 32.2% are currently residing in Nazran municipality, 26.6% in the Karabulak district, 23.2% in the Sunzhenski district, 12.7% in Malgobek district and a residual 5.2% in the Nazran rural area.

The undecided population is most numerous in the Sunzhenski district (46.8%), followed by the Nazran municipal area (43.5%) and with only residual groups in the other districts.

However, these percentages are influenced by the size of the IDP population in the districts. When considering the IDPs expressed intentions in relation to the overall IDP population residing in the TSs of the district, the results are more balanced. Out of the IDPs residing in TSs in the Sunzhenski (443 families) 60.9% are intentioned to return, 14.0% are considering local integration as the most likely solutions and 26.1% did not express a definite preference. In the Nazran Municipal district (389 IDP families residing in TSs), 51.4% expressed their intention to return, 22.1% to integrate and 26.5% are still undecided. In the rural area of Nazran (41 families in TSs), 58.5% of the IDPs residing in TS consider the return to Chechnya as the preferred solution, 34.1% are opting for local integration and only a residual 7.3% have not yet decided. In the Malgobek (73 families in TSs) and Karabulak districts (151 families in TSs) the segments of the IDPs who are willing to locally integrate are proportionally prevailing over the would-be returnees. 46.6% of the overall TSs residents in Malgobek and 47.0% of the residents of TSs in Karabulak prefer to remain in Ingushetia, as opposed to 38.4% and 47% who declared their intention to return and some 15.1% and 6.0% of IDPs who did not come up with a definitive intention [...]

As for the possible accommodation options on which IDPs count upon return, out of the 593 families that expressed this intention, 52.8% (313 families) intend to return to their own damaged housing, 12.5% (74 families) to parents' or relatives' empty land-plot, 8.9% (53 families) to their own empty land-plot, 5.1% (30 families) to a rented house/flat and 5.1% to a land-plot assigned by the Government. Only 6.6% (39 families) is expressing their will to return to TACs if rooms are available, and 2.4% (11 families) are declaring their intention to return to their own habitable accommodation.

For IDPs who expressed this intention, the survey also enquired on the destination of return to Chechnya. The relative majority of the 593 families opting to return (37.4% - 222 families) indicated Grozny urban area as their intended destination, 24.1% (143 families) the Achoy-Martan district, 15.7% (93 families) the Urus Martan region, 7.1% (42 families) the Grozinski region and 5.1% the Shali (30 families) district. Only minor segments of the IDP population currently residing in Ingushetia and willing to return will likely settle in the 10 other selected districts [...]

IDPs residing in TSs in Ingushetia and expressing the firm intention to return to Chechnya were given the possibility to express their two most serious obstacles to return, in order of priority. 543

(91.4%) of the families expressed at least one option, and 470 (79.1%) of the families associated also a second condition. The overwhelming majority (95.8%) of the 593 IDPs families put the lack of accommodation in Chechnya at the forefront of their concerns. The lack of job opportunities in Chechnya turned out to be the most acute second difficulty, quoted by 68.3% of the would-be returning population. Lack of accommodation and job are also the first two conditions when considering the whole amount of answers given (51.4% and 33.1% respectively)."

DRC, 28 May 2007:

"During the winter 2007, DRC conducted survey of IDPs from Chechnya, residing in Ingushetia. Field staff of DRC has surveyed selectively (at random) heads of IDPs' households, which are DRC food beneficiaries and reside in Ingushetia. The survey was conducted at DRC distribution points. The aim of given survey was to define the attitude of IDPs to the process of return to Chechnya.

Return to Chechnya

About 64 % of IDPs from Karabulak and up to 82 % of IDPs from Malgobek are planning return to Chechnya. The percentage of returning IDPs varies in different locations of Ingushetia. It is interesting, that the percentage of IDPs wishing to return is lower in district centers (Malgobek, Nazran, Sleptsovsk, Karabulak) and in some locations of Sunzhensky district. The reason is that IDPs planning to integrate in Ingushetia (mostly ethnic Ingush) preferred to reside in bigger locations, as there is better access to housing and work places. As the villages Kantishevo, Barsuki and Troitskaya can also be considered as big locations, probably, reasons are the same. The situation in Muzhichi is different. Given village is remote from the main centers of IDPs accommodation, and most of the IDPs either returned to Chechnya, or moved to compact accommodations in Sleptsovsk. The residual groups of IDPs in Muzhichi are ethnic Ingush, planning to integrate in Ingushetia.

In total, approximately 21% of surveyed IDPs expressed their wish to stay in Ingushetia on permanent basis.

Households planning to return to Chechnya were asked when they plan to return. Out of them, from 40 % to 60 % have not yet decided when to return, because of various reasons. The vast majority of households in Karabulak intending to return (about 60 %) are planning to do it during one year. The same time frame was stated by 30 – 40 % of IDPs in other districts of Ingushetia (diagram 1).

The uncertainty in dates of return can be explained by the active recovery work in Chechnya. Also, there are many households that didn't decide yet whether to return or stay in Ingushetia.

There are different reasons of non-return of Chechen IDPs residing in Ingushetia. Generally, reasons were the same in all districts. The main reasons are:

- Lack of housing (sold, completely destroyed, didn't own housing);
- Partly destroyed housing;
- Education of children (at schools and university). Some surveyed households stated that they are waiting for the end of the school year to return.
- security. A large number of surveyed households stated "security" as one of the reasons for non-return. Given problem was considered as the main in 2000-2003 year, but now its priority shifted to 3-4 places. About 13 % of surveyed households mentioned availability of work in Ingushetia (permanent and temporary) as the reason of non return.

The majority of surveyed households plan to return to own households. About 10 % have to search for the new housing (buying of house, living with relatives).

IDPs intending to return encounter some problems. Those who had the opportunity to accommodate in Chechnya already have left Ingushetia. The rest IDPs are unable to return because of lack of housing. They will have to construct, reconstruct or purchase new housing. IDPs in Sunzhensky district mention lack of work places and unemployment more often than problems with housing. Security situation was stated as the only one problem by 6 households in Karabulak and 13 households in Malgobekskiy district. In most cases, security issue is mentioned along with other problems. IDPs from Nazranovskiy district mentioned security problems more often than IDPs from other districts."

IDPs face obstacles to return to mountainous villages in Chechnya (2007)

- 2,500 people from mountain villages in southeastern Chechnya were uprooted by fighting
- Main obstacles to return to mountainous villages are lack of physical security, destroyed housing, lack of public infrastructure and issues making cattle rearing difficult
- The elderly do not want to return because of the lack of medical services and youth do not want to return because of the lack of activities there and insecurity
- In 2007, more than 5,000 people returned to Vedensky region

Updated information on this topic could not be found among the sources consulted

Swisspeace, 15 November 2007:

"People began to return to mountainous settlements that were completely abandoned due to hostilities and destruction caused by the two wars in Vedensky and other regions. During 2007 more than 5,000 people returned to the Vedensky region."

Кавказский Узел, 21 июня 2007г.:

"Рамзан Кадыров как-то сказал, что до декабря 2007 года все беженцы, которые оставили свои дома в горных селениях, должны вернуться домой. Следуя заявлению президента Чечни, местные чиновники не дают бежавшим от войны людям регистрации. Благодаря этому внутренне перемещенные лица, как их называют, живут в постоянном страхе за себя и свой дом.

Вернуться в свои дома горцы хотели бы, да не могут, так как в горных районах республики до сих пор продолжают обстрелы. Отсутствие безопасности - это основной фактор постоянного оттока людей из горных сел Чечни. Военное руководство в свою очередь отрицает факты обстрела населенных пунктов.

Еще одна причина, по которой люди не могут возвратиться домой - неадекватные условия образования и медицинской помощи. Там, где населенные пункты еще существуют за счет небольшого количества оставшихся поселян, ощущается острая нехватка профессиональных кадров. В некоторых селах существуют лишь начальные школы, а уровень русского языка среди чеченских школьников в горных местностях равен почти нулю.

По словам представителя Комитета "Гражданское содействие" Елены Буртиной, практически во всех случаях причиной исхода людей из гор было насилие со стороны военных. Согласно опросам, каждая четвертая семья потеряла кого-то из близких в ходе боевых действий, почти каждый мужчина прошел через побои. "Больше всех людей выехало после 2002 года. Теперь возвращаться в горы страшно", - говорит Елена Буртина."

IWPR, 16 August 2006:

"In the village of Yarysh-Mardy in the hills south of the Chechen capital Grozny there is no sign of life. Yarysh-Mardy used to have a population of 620, a school, a library, a cultural centre, a post office and a mosque. Now there is nothing. All the houses were completely destroyed back in 1999, at the beginning of the second Chechen campaign. Since then, the village has become overgrown with vegetation and has become a closed zone. There are dangers everywhere - mainly so-called "butterfly mines", dropped from aeroplanes, and unexploded ordnance.

Even the few wild animals you see are wounded or maimed: wild boars and pigs that are missing a leg, birds with no wings or hares without ears. This is a picture of devastation repeated across the hills of Chechnya. Although the authorities in Moscow have declared the war against rebels won, the residents of these villages say they see no prospect of getting back to normal life any time soon [...]

"Unbearable living conditions mean that we are seeing constant displacement from the mountains to the plains of the republic. In the on-going clashes between the federal soldiers and the fighters in Chechnya's mountainous areas, the civilian population is generally the victim." The mountain villagers are mostly forced to live with relatives or in makeshift accommodation in other parts of Chechnya.

Memorial reported that in 2002, two and a half thousand people from mountain villages in southeastern Chechnya were uprooted by fighting. However, because these people were displaced within Chechnya itself, their plight has not been dealt with by the republic's migration department.

Markha Akhmadova, head of the demographics department of the government statistics agency Chechenstat, told IWPR, "The mountain villagers want to go home to their own land, but the army is there. They can't let them into their villages because they still haven't been de-mined and it's simply too dangerous to live there." Akhmadova said it is impossible to determine how many people have moved from one village to another, since they stay registered in their original homes in order to get compensation for their destroyed property.

The villagers' main request is for rehabilitation work to begin so they can go home. Ruslan Musayev, a regional government official in Grozny, told IWPR reconstruction work would be finished by the end of the year in Yarysh-Mardy. But villagers say they see no signs of progress. And other villages have the same complaints."

Мемориал, 15 марта 2007 г.:

"В завершение беженцам задавался вопрос, планируют ли они возвращаться на прежнее место жительства, и, если планируют, то при каких условиях. На этот вопрос было зафиксировано 102 ответа: 52 человека ответили отрицательно, 11 – положительно, а 39 выразили готовность вернуться в горы при определенных условиях.

Оценивая результаты этого опроса, необходимо иметь в виду политический и культурный контекст, в котором он проводился. Как уже говорилось, власти республики подталкивают людей к возвращению в горы, не подготовив для этого самых элементарных условий. Отвечая на наш вопрос, беженцы нередко в той или иной форме реагировали на это давление: кто-то отвечал сдержанно или уклончиво, кто-то, напротив, с вызовом, как бы возражая тем, кто пытается принять решение за него. В то же время преданность родным местам, стремление вернуться туда, как бы далеко и надолго не забросила судьба, - важнейший элемент культуры чеченцев.

Итак, почему же половина опрошенных нами беженцев не имеет намерения

возвращаться в горы? Первое и самое главное – страшно. Так одним словом определила причину своего нежелания возвращаться в горы женщина из с. Хашты-Мохк (98). Этот мотив звучал практически во всех разговорах с беженцами. Страшно - из-за продолжающегося насилия со стороны военных. Страшно выйти за село – из-за мин.

Страшно жить в пустом селе, если что случится, некого будет звать на помощь. Страшно - из-за того, что в село стали забегать расплодившиеся за годы войны дикие животные.

Второе и не менее важное – некуда возвращаться, нет жилья. Об этом также говорили почти все, кто решил остаться на равнине.

Третье – невозможно заниматься скотоводством, главным источником существования в горах, - из-за мин и уничтожения скота военными.

Четвертое – отсутствие элементарных современных условий существования: дорога, свет, газ, школа, медпункт...

Многие говорили, что пока не собираются возвращаться. Их решение носит временный характер и может измениться с изменением ситуации. Так что часто между решением не возвращаться в горы и намерением вернуться туда при определенных условиях нет длинной дистанции.

Однако большинство из тех, кто готов вернуться в горы, называют вполне конкретные условия. И эти условия состоят в устранении тех причин, которые заставляют их земляков отказаться от мысли о возвращении в родные села. Это – безопасность, восстановление жилья и инфраструктуры.

Часть беженцев в качестве условия возвращения в горы справедливо называют непосредственную помощь им со стороны государства в строительстве жилья и обустройстве, в том числе – в восстановлении поголовья скота, уничтоженного военными или распроданного самими беженцами для того, чтобы выжить на равнине...

Помимо этого, властям республики, если они хотят, чтобы горцы вернулись в свои села, необходимо иметь в виду еще одно обстоятельство. Как сказала одна женщина, на равнине они «почувствовали вкус к спокойной жизни». И заметила, что здесь «школа лучше». То есть они почувствовали также и вкус к более благоприятным, чем в горах, условиям существования (школы, врачи, магазины, дороги и многое другое). Жизнь в горах, даже в мирное время, скуднее и труднее, требует большей выносливости, больших физических сил и более скромных потребностей. В этом смысле характерна реплика одной женщины на вопрос о возможном возвращении: «Была бы помоложе и поздоровее, там силы нужны» (96). Тем, кто привык к более современным и комфортным условиям существования, уже нелегко будет вернуться в суровый горский быт. Может быть, этим объясняются разногласия в одной семье: муж хочет вернуться, а жена - нет. Но муж понимает, что «женщине там трудно: газа, ничего нет» (57).

Третий случай получил в республике некоторую известность. Дело в том, что жители полностью разрушенного села Тазен-Кала предприняли попытку вернуться в горы под влиянием уговоров со стороны главы администрации Веденского района, товарища Р.Кадырова, активно проводящего в жизнь его требование вернуть беженцев к местам их прежнего жительства. Выезд мужчин в горы был согласован с местным комендантом, который обещал их не трогать. Тем не менее, примерно через месяц после начала работы в селе они были арестованы. По-мнению коллег из Правозащитного центра «Мемориал», работающих в Чечне, возвращение людей в свои села противоречит интересам военных, так как может помешать им контролировать ситуацию в горах, ограничивает их свободу действий. Вероятно, этот случай должен был остановить многих беженцев, думающих о возвращении в горные села...

Как показал наш опрос, некоторое общее влияние на характер ответов о возвращении оказывает только возраст. Оказалось, что среди людей старше 60 лет большинство (7 из 11 опрошенных) не намерено возвращаться в горы, среди людей в возрасте от 45 до 59 лет больше половины (25 из 42) хотели бы вернуться, среди людей в возрасте от 30 до 44 лет больше половины (17 из 30), напротив, не желают возвращаться, и еще меньше желающих (6 из 16) среди молодежи в возрасте до 30 лет.

Видимо, старики не хотят возвращаться из-за бытовых трудностей и отсутствия медицинской помощи. Молодым в горах, с одной стороны, скучно, с другой – страшно. И в равнинной части Чечни молодежи некуда себя девать, но все же круг общения там шире, можно прогуляться по улицам, заглянуть на рынок, в школу. В городах и больших селах кое-где сейчас есть интернет-кафе, спортивные секции. В горах, конечно, ничего этого нет. И на равнине молодые мужчины – главный объект охоты со стороны вооруженных людей в масках и без. Но в горах, где фактически продолжают боевые действия, молодые люди находятся в еще большей опасности. Только люди среднего возраста, которых не мучают болезни и не дают скучать житейские заботы, более других склонны думать о возвращении в горы в надежде наладить привычные способы добывания средств к существованию."

Радио Свобода, 17 марта 2007 г.:

"Когда они уезжали оттуда, это действительно были акты отчаяния. Они бросали часть домов, которые были еще целы. За эти годы эти дома обветшали уже сами по себе, и разобранными военными, которые там дислоцируются. Фактически им возвращаться некуда, у них нет домов. Государство должно им помочь восстановить, во-первых, свои дома, восстановить дороги, провести газ, свет, очистить родники. И потом еще одна проблема, о которой никто не волнуется, это размножение диких животных: шакалы, волки, дикие кабаны уже открыто бродят по этим селам и на людей уже нападают. А у людей нет даже охотничьего оружия, они не могут пользоваться им. Раньше этим целенаправленно занимались, отстреливали. Так что условий для проживания у них даже при очень большом желании сейчас нет, государство должно им помочь это сделать [...] Существует минная опасность – это тоже одна из причин того, что люди не могут вернуться в свои села. Естественно, основным фактором, не дающим вернуться людям к своим очагам, является все-таки безопасность в первую очередь. А вернуться в свои села у них желание очень огромное."

See also "[Chechens yearn to return to mountains](#)," Institute for War & Peace Reporting, 5 April 2007.

Return to North-Ossetia

Pattern of return to Prigorodny (2009)

- Over 25,000 IDPs have returned to North Ossetia
- Most IDPs from North Ossetia living in Ingushetia would like to eventually return
- The lack of settlement to the conflict is still an obstacle to durable return

UNHCR, 20 August 2009:

"Total government-assisted return since 1994: 4890 families/25,425 persons

Some 70 percent of 16,777 IDPs from NOA in Ingushetia reportedly wish to return to their places of origin eventually, but the lack of political settlement of the conflict makes it difficult for them to achieve a durable solution. "

CRI, May 2009:

"The resettling of the last remaining 10,000 Ingush IDP's to the Prigorodny district of North Ossetia is however still suspended. Ingush who are willing to settle in North Ossetia may undergo administrative hindrance and even refusals to do so."

Кавказский Узел, 26 марта 2009г.:

"По-прежнему острой остается также проблема ингушских беженцев, покинувших 17 лет назад места своего постоянного проживания в Пригородном районе Северной Осетии. 9 февраля президент Ингушетии Юнус-Бек Евкуров заявил о том, что ингушские беженцы должны вернуться в свои дома в Пригородном районе."

В настоящее время в Ингушетии существует проблема обустройства беженцев из Северной Осетии. Так, АНО ИА "Максимум" приводит пример недофинансирования приобретения жилья семье Кариевых из 14 человек в станице Нестеровская Сунженского района Ингушетии. Им были выданы деньги из расчета 9 кв.м. на человека, в то время как по ныне действующим нормам на каждого члена семьи должно приходиться 18 кв.м.

В Пригородном районе (административно находится на территории РСО-Алания), по данным Министерства национальной политики и связям с общественностью, на данное время проживает около 18 тыс. лиц ингушской национальности."

Кавказский Узел, 9 февраля 2009г.:

"Пригородный район находится в составе Северной Осетии, но ингушские беженцы должны вернуться в родные дома, заявил президент Ингушетии Юнус-Бек Евкуров."

На данный момент, полагает Евкуров, возвращение Пригородного района в состав Ингушетии невозможно "с точки зрения руководства страны", поэтому нельзя давать "неосуществимую надежду людям..."

Президент Ингушетии уверен, что такие действия явятся "сильнейшим моральным стимулом" для ингушей, которые, со слов политологов, чувствуют себя обиженными из-за внимания России к Южной Осетии."

МХГ, 31 декабря 2007г.:

"Процесс возвращения вынужденных переселенцев начался сразу после прекращения военных действий. Но такие инициативы сразу встретили жесткое сопротивление среди местного населения. Со временем стало понятно, что такое сопротивление имеет не столько характер неприятия, сколько организовано и поддерживается местными органами власти. В этот период зарегистрировано множество нападений на возвращающиеся семьи. В связи с этим многие из них вновь были вынуждены покинуть свои дома. Затягивание процесса возвращения ухудшало положение переселенцев, поскольку за прошедшие годы оставленные дома ветшали и приходили в негодность для проживания или были окончательно разрушены."

В этой связи на прежние места жительства фактически удалось возвратиться лишь отдельным семьям. Официальный процесс возвращения начат в 1994 году."

Наконец, в конце 90-х годов координацию мероприятий по возвращению переселенцев взяло на себя Представительство Президента РФ в ЮФО. Такие мероприятия стали тщательно готовиться и сопровождаться предварительными переговорами. Обеспечивалась охрана и сопровождение семей. Однако в большинстве случаев

приезжающих встречала агрессивно настроенная толпа местных жителей, и переселенцам приходилось снова выезжать из села...

Наблюдатели отметили, что во время конфликта никто из представителей власти практически не вмешался в конфликт, не предпринимались попытки рассеять толпу и задержать провокаторов. Примечательно, что в противодействии возвращению активно участвовали беженцы из Южной Осетии, которые поселились в этом поселке."

Return to some areas of North Ossetia remains problematic (2008)

- Some Ingush IDPs have managed to return to their homes in Prigorodny district while others have not
- Some IDP houses are occupied by refugees from Georgia while others are located in "water conservation zones," which are off limits from settlement
- Monitoring of returnees is difficult since international organizations cannot access Prigorodny district

UNHCR, 20 August 2009:

"There has been no pressure on return of IDPs from North Ossetia from the Ingush authorities. Though the Ingush authorities do not promote integration of IDPs from North Ossetia in Ingushetia, they conducted some repair works in the temporary settlements of Ingushetia accommodating IDPs from North Ossetia. UNHCR has no access to Prigorodny due to Federal Decree # 470 (4 July 1992, amended by Amendment # 155 of 21 March 2007) that restricts movements of non-RF nationals. Therefore, UNHCR currently still has insufficient knowledge with regard to the situation of returnees. Some 70 percent of 16,777 IDPs from NOA in Ingushetia reportedly wish to return to their places of origin eventually, but the lack of political settlement of the conflict makes it difficult for them to achieve a durable solution. The Ingush government continues to claim that the IDP return is hindered in seven areas in Prigorodny and in Vladikavkaz and that the potential returnees cannot be registered in their places of origin in those areas."

ODI, 28 February 2009:

"...1,000 of the 18,000 mainly ethnic Ingush forced to flee the Prigorodny conflict in North Ossetia in 1992 have been allowed to return home. The rest are still displaced in Ingushetia and North Ossetia."

Prague Watchdog, 16 December 2008:

"[Former] President Aushev, who constantly came into conflict with the Kremlin because of Chechnya, none the less preferred to act with circumspection where the issue of Prigorodny district was concerned and avoid setting unrealizable goals. He signed one routine agreement after another on the return of Ingush refugees, without ever pretending to the role of consolidator of the Ingush lands. Ossetia has not complied fully, or even satisfactorily, with any of the agreements, justifying its reluctance to let the refugees return by claiming that "Ingush and Ossetians can never live together" or referring to the issue of the "water protection zone".

Most of the 75,000 refugees have not been able to return to their home villages. Already a generation has grown up for whom home means caravans [vagonchiki].

Against the backdrop of the war in South Ossetia, dissatisfaction with the Kremlin is acquiring clear outlines in Ingushetia. Indeed, Russia, which is capable of toppling the army of a foreign state in five days and taking an entire people under its protectorate, is unable to resolve the issue

of the return to its own citizens of their own land and homes of which they have been deprived for over sixteen years."

Республика Ингушетия, 11 октября 2008г.:

"Поручение Президента РФ от 28 марта 2007 г. № Пр-516 было встречено в республике с большим воодушевлением и надеждой на скорейшее возвращение людей. По результатам многочисленных анкетирований, проведенных ФМС России, было установлено, что более 99% вынужденных переселенцев требуют у властей создать им условия для возвращения в места постоянного проживания на территории Северной Осетии. Вместе с тем, до настоящего времени эти вопросы не решены. По данным ФМС России, свыше 12 тысяч человек находятся на территории Республики Ингушетия. Из них 1833 человека располагаются в местах компактного проживания (казармы, приспособленные помещения частных, муниципальных и государственных предприятий, учреждений). Большинство же вынужденных переселенцев разъехались по регионам Российской Федерации, в страны ближнего и дальнего зарубежья. Остаются закрытыми для возвращения вынужденных переселенцев в РСО-Алания населенные пункты Ир, Октябрьское, Редант-2, Южный, Терк, Чернореченское, г. Владикавказ, средняя часть села Чермен, южная часть с. Камбелеевка и правая часть села Тарское. Между тем, в Пригородном районе значительная часть домов, в которых ранее проживали лица ингушской национальности, незаконно заселена беженцами из Южной Осетии. Это является главной причиной, негативно влияющей на процесс ликвидации последствий осетино-ингушского конфликта 1992 года."

МХГ, 31 декабря 2007г.:

"Прежде всего, проблема имеет исторический аспект – неразрешенный спор об этнических территориях. Именно этот спор породил осетино-ингушский конфликт 1992 года и до настоящего времени остается первоочередным фактором, влияющим на все последующие события и решения органов власти двух республик в возникающих конфликтах.

Так, в 1980-х годах осетинским руководством при поддержке советского правительства применялась практика ограничений в отношении поселения граждан ингушской национальности в Пригородном районе республики. Такие ограничения были установлены для оформления сделок купли-продажи домовладений, регистрации построек и на прописку самих жителей.

Соответственно, у многих жителей отсутствовали правоустанавливающие документы о факте проживания, владении недвижимым имуществом, землей. Поэтому сейчас при обращении за статусом вынужденных переселенцев и для получения компенсации от государства за утраченное имущество, отсутствие таких документов стало непреодолимым препятствием. В этой связи, официальные данные о вынужденных переселенцах также существенно отличаются от реальных (по различным оценкам число незарегистрированных жителей на момент конфликта превышало на 1/3 официальные данные – на 35000 человек).

Проблема проживания лиц ингушской национальности на территории Северной Осетии осложнилась и конфликтом интересов с югоосетинскими беженцами, прибывшими в республику ко времени конфликта. Так, часть сохранившихся домов ингушей, подлежащих возвращению, были заняты такими беженцами. И быстро вернуть такие дома власти Северной Осетии не рискуют, опасаясь новых взрывов протеста...

Закрытыми для возвращения числятся город Владикавказ, поселки Спутник, Чми, Эзми, Балта, Редант . И если до конфликта ингуши проживали в 29 населенных пунктах республики, то, фактически, вынужденные переселенцы возвратились лишь в 16 поселений республики...

Особенно сложно решаются вопросы освобождения жилья для возвращения вынужденных переселенцев, которое занято новыми семьями (в т.ч. беженцами из Южной Осетии). Так, из 9 общежитий Владикавказа «удалось вынести решения только по 5»...

Проблема расширения водозабора стала актуальной еще в 80-е годы в связи с дефицитом водоснабжения города Владикавказа. К этому времени система водоснабжения была подведена от скважин, расположенных вверх по течению реки Терек, за границей города. Эта зона водозабора находилась неподалеку от ущелья, в непосредственной близости от поселений Южный, Чернореченское, Терк, Балта и Редан-2.

Особенность этих сел определялась тем, что 85% их населения состояла из семей ингушской национальности. Во время конфликта эти села практически опустели, их покинули около 7 (по другим оценкам около 11) тысяч ингушей (около 1/3 от всех переселенцев ингушской национальности Пригородного района).

С 1993 по 2000 год в села постепенно начали возвращаться жители как ингушской, так и осетинской национальностей. В этот период в поселке Южном проживало 3125 человек осетинской национальности и 4 ингушской, в Балте, соответственно – 1220 и 269 человек, Редант-2 – 578 и 198 человек. Значительная часть переселенцев ингушской национальности также подали заявления на возвращение. В поселок Южный – 2141 человека, в пос. Чернореченское – 1207 человек, в пос. Терк – 1639 человека, в пос. Балта – 770, в Редант-2 – 1508 человек. 63 человека из заявителей получили средства на восстановление жилья.

Однако с 2001 года возвращение переселенцев в эти поселения было ограничено, наоборот, был начат процесс выселения. К 2005 году в этих селах было разрушено уже 90% жилых домов, и никто в них практически не проживал.

Началу процесса отчуждения земель для водозабора положило постановление, принятое 25 июля 1996 года Правительством Республики Северная Осетия – Алания за № 156 «О зоне санитарной охраны источников питьевого водоснабжения». Согласно этому постановлению, в границу зоны 1 строгого режима попала территория всех 5 сел, с общей территорией 1174 га. Показательно, что в п. 2 постановления была уже дана «рекомендация» местной администрации г. Владикавказа о вынесении «из 1 зоны административных и жилых строений населенных пунктов». Таким образом, фактически был предоставлен «карт-бланш» на любые действия по вытеснению вынужденных переселенцев из этих сел, воспрепятствованию их возвращению и восстановлению разрушенных домовладений. В свою очередь, решением администрации города Владикавказа вся территория границ санитарной зоны была передана Управлению водопроводно-канализационного хозяйства, с правом ограничения доступа на эту территорию жителей.

Большинство из опрошенных в ходе поездки вынужденных переселенцев из числа ингушской национальности считает, что это постановление было принято исключительно с целью недопущения возвращения ингушей на прежнее место жительства...

можно констатировать, что:

1. Решение о ликвидации поселков не было обосновано необходимостью решения задач санитарно-экологической безопасности, поскольку было принято без проведения соответствующих экспертных оценок и заключений.
2. Ликвидация поселков привела к ограничению таких прав жителей, как право на жилище, свободу выбора места жительства и право на культурное наследие. Решение об ограничении этих прав было несоразмерным преследуемым целям и вынесено региональными органами, не обладающими на то полномочиями (такое решение могло быть вынесено только федеральными органами власти).

Еще 14 ноября 2000 года от группы граждан, жителей ликвидированных поселков, была представлена жалоба в Верховный суд РСО - Алания. В жалобе заявители требовали отменить постановления Правительства РСО - Алания от 25 июля 1996 года за № 186 «О зоне санитарной охраны источников питьевого водоснабжения» и от 18 мая 1998 года за № 89 «Об отселении граждан, проживающих в санитарной охраны источников питьевого водоснабжения». Заявители настаивали, что решение о выселении не было обосновано разумными задачами санитарной охраны, а основывалось на политическом решении о выселении жителей ингушской национальности. Поводом для обращения стал тот факт, что жители Хаматханов А.М. и Матиев Х.Х. обратились по поводу восстановления разрушенного жилья в с. Чернореченское. Но им было отказано в получении разрешения.

3 мая 2001 года решением Верховного суда РСО-Алания было вынесено решение об отказе в признании факта нарушения их прав – «за необоснованностью». Представитель администрации г. Владикавказа Молдован Ю.Ю. заявил в суде, в частности, «что оспариваемые заявителями постановления Правительства РСО–Алания не могут нарушать чьи-либо права или охраняемые законом интересы, поскольку определение границ и организация ЗСО по всем действующим Законам возлагается на субъекты РФ».

Соответственно, суд также признал, что «сами по себе мероприятия, предлагаемые Правительством Республики для обеспечения жизнедеятельности граждан, подлежащих отселению из населенных пунктов, подпадающих под зону санитарной охраны источников питьевого водоснабжения, не могут нарушать чьи-либо права, в том числе и заявителей на выбор места жительства и право собственности». При этом в судебном процессе подробно рассматривались лишь особенности создания самой водоохранной зоны. Показательно, что суд не принял во внимания показания председателя Комитета по природным ресурсам и Главного санитарного врача по Республике Ингушетия, которые выступили в суде с позиции защиты прав граждан.

Таким образом, суд не дал правовой оценки факта нарушения прав граждан и фактически не рассмотрел заявление по существу. Решение суда имело прецедентные последствия и показательно отражало пристрастную позицию органов власти республики.

Интересно, что в феврале 2003 года в суд Сунженского районного суда Республики Ингушетия также обратились с жалобой жители ликвидированных сел – Гамботов И.У. и Газиков А.С. по поводу незаконности создания водоохранной зоны. Свое обращение они обосновывали тем обстоятельством, что заявители не получили равноценного возмещения стоимости утраченного имущества. Решение суда фактически установило запрет Правительству РСО–Алания и администрации г. Владикавказа на расширение охранной зоны водозабора. Это решение было оставлено в силе судебной коллегией по гражданским делам Верховного Суда Республики Ингушетия. Однако правительством РСО-А оно было проигнорировано.

Таким образом, в настоящее время действует два взаимоисключающих решений Верховных судов республик. Показательно, что эти решения судов до настоящего времени по различным причинам не рассмотрены Верховным судом России.

Эти судебные решения имели показательное значение и, хотя не разрешили спор, они сами по себе свидетельствовали о том, что и система правосудия не защищена от конфликтного влияния заинтересованных сторон...

Вместе с тем, рассматривая данную конфликтную ситуацию, одновременно можно говорить и о том, что возможности использования судебной защиты еще полностью не исчерпаны."

Russia Profile, 1 November 2008:

"Ossetians are afraid of the Ingush returning to the Prigorodny District because they see the latter as a cultural and demographic threat to their control of this land. The Ingush people are still struggling to realize their minimum program of returning to the places of their residence before the conflict by moving the republic's border. Naturally, this is absolutely unacceptable for Ossetia, and the federal center so far tends to side with Ossetia [...]

Gradually, the majority of these barriers were removed through the efforts of the Special Representative Office of the President of Russia on Elimination of Consequences of the Ossetian-Ingush Conflict, which existed until 2006, and later by the Plenipotentiary Representative of Russia's President in the South Federal District. At the same time, the federal authorities have come face to face with the problem of civilizational differences at the lowest level. In a number of the most difficult villages of Prigorodny, after lengthy negotiations the federal authorities were able to convince Ossetian administrations to give permission to build Ingush houses and courtyards not in their old locations, but in new lots within a specific village. The Ingush, however, refused to build their houses in these territories. The reason for this is tradition: since the beginning of time, each Ingush family has always tried to settle on the lands of their ancestors. They justified their refusal to settle on new lands by the fact that these specific lots belonged to a different Ingush clan. Federal officials did not have the power to convince them that the Russian legislation is familiar with such a concept as "clan land," and cannot include this factor in its program of assistance for refugees and migrants [...]

Formally, the program of returning ten thousand individuals has been almost completed—although some people from the list have practically been moved from refugee camps to "no man's" land in the vicinity of the Maiskoye village. The maps show that Maiskoye is in Ossetia, while in reality it is in Ingushetia, because the Ingush are an ethnic majority in the village, and the border guard station is outside of the village on the Ossetian side. Thus, the fact that the land belongs to Ingushetia is practically admitted and demonstrated.

However, even if the relocation program coordinated by the federal authorities is completely realized, the conflict will simply continue to smolder: the Ossetians will be frustrated by the increasing number of Ingush; the Ingush will demand moving the border. A more or less adequate solution can be found only if in the medium-term; both the Ingush and the Ossetians can be convinced that the administrative border is actually not so important; that both peoples live in a large country and enjoy absolutely the same rights. As for the border, which for centuries was the border between two absolutely different social systems, two cultures and two ethnic groups, such a plan is probably too optimistic."

CRI Project, 31 May 2007:

"Although authorities are committed to provide security and to return housing to the Ingush who were forced to flee their homes, a genuine threat remains for those who return to the Prigorodny region of RNO-A and the problem districts Oktyabrskoye, Ir and Yuzhnoye."

Ингушетия.Ру 29 ноября 2007г.:

"В настоящее время сохраняются те же проблемы, что и ранее. Установление прав на домовладения граждан ингушской национальности, прописка по постоянному месту жительства, собственно в своих домах, получения паспортов и т.д. Процесс возвращения вынужденных переселенцев на прежнее место жительства в принципе остановился, эта работа ведется не эффективно и безрезультатно."

Memorial, 31 March 2006:

"On December 13 1993 the President of the Russia Federation adopted a Decree № 2131 "On the measures to return refugees and forced migrants to places of permanent residence on the territories of Republic North Ossetia and the Ingush Republic". The Decree stipulated IDP return

to 4 settlements of Prigorodny District - Chermen, Dongaron, Dachnoje, Kurtat. The process of IDP return started in August 1994. By then 6,463 out of 9,045 registered Ossetian IDPs have returned to the places of their permanent residence. The return of the remaining 2,582 people was a matter of funds for reconstruction of destroyed housing, which were soon found and the problem resolved.

The process of return of Ingush IDPs was impeded by the Ossetian authorities and the Ossetian population of in the localities. The authorities of North Ossetia often ignored the agreements they signed, while former Ossetian neighbors met Ingush returnees with demonstrations of protest, showered IDP convoys with stones and heavy objects. The Ministry of Internal Affairs of the Republic of Ingushetia has registered numerous cases, when as a result of assaults on IDP convoys, Ingush returnees were either injured or killed⁷. The report by the advisor to the President of the Republic of Ingushetia M. Buzurtanov addressed to then incumbent President of Ingushetia Ruslan Aushev, states that in the period of March 1998 to December 1999, the return of Ingush IDPs was disrupted 94 times. None of the participants in these assaults on IDPs were punished according to law.

In spite of difficulties Ingush IDPs returned home. Presently, Ingush return to 13 villages of Prigorodny district. Before the Ingushis lived in 29 settlements of Prigorodny district, however, after 1992 Ingush families expressed an intention to come back only to 16 villages. IDPs refuse to return to villages, where Ingush population is not numerous or settled in a dispersed manner [...]

Monitoring regularly carried out by HRC "Memorial" in Prigorodny District revealed that in 2002-2004 the situation had significantly changed for the better. The most favorable psychological climate is in the villages, where the return has happened, particularly, where the Ingush and the Ossetian settlements are not fragmented into ethnic enclaves, with each quarter having mixed Ingush-Ossetian population (eg. Dongaron, Kurtat). Interviews with the locals revealed that most easily the contact is established by middle aged generation of 40-50, who have previously had the experience of mutual communication, most infrequent contacts are among youth. Teenagers and youth, whose socialization was shaped by the conflict and post-conflict experience, avoid interaction [...]

In spite of the general reduction in tension in the area as a whole, there remains a number of settlements where the return is not going on. These are the so-called "problematic" settlements, where, according to the authorities of RNO-A, the "moral-psychological climate" for the return of Ingushis is not "ripe". Problematic villages of Prigorodny district are: Terk, Chernorechenskoje, Oktyabr'skoye, Ir, (partly) Yuzhny, (partly) Chermen, the middle part of the village, (partly Tarskoje), right side of the village, (partly) Kambileevskaia, three streets.

In Vladikavkaz, the return occurs very slowly, in spite of the fact that a number of families managed to restore voluntarily the right to ownership of their flats. Thus, according to the Office of the Special Representative, by the end of 2003, 113 flats in Vladikavkaz were returned to their previous owners of Ingush nationality voluntarily or in an administrative way (through courts). Some families restored their right of property ownership in Oktyabrskoje town, however, according to the information at our disposal, they do not reside in their apartments, but rent them out to tenants. According to the Ministry for Nationalities of Republic of Ingushetia/

Problematic villages also include the settlements, which fall into the so-called "water-protection area". According to the According to Statute №186 Government of RNC-A of July 25, 1996, 5 villages (Terk, Chernorechenskoje, Yuzhny, Balta and Redant) belong to the so called "zone of sanitary protection of sources of drinking water supply". Households in this area are to be destroyed and their residents - resettled⁹. 80% of the housing aimed for destruction belong to Ingushis. Presently all the Ingush residents of the area remain forced migrants. The Ingush side considers that the zone of sanitary protection of Ordzonokidzovsky water reservoir is significantly

inflated with the aim to prevent the repatriation of Ingush IDPs, the Ossetian side insists that the problem is purely environmental and has no political dimension to it. Human Rights groups have repeatedly turned to the federal authorities with appeal to pass a politically neutral decision on delineating the borders of the water protection zone, but so far the federal center considered it impossible to interfere."

Caucasian Knot, 18 June 2006:

"We remind you that a small town of refugees in the suburb of "Maiskiy" settlement was formed after tragic events of autumn 1992, when tens of thousands of Ingushes were forced to leave the territory of the Prigorodny District of North Ossetia. It was mainly inhabited by the residents of the so-called "closed" or "problematic" settlements, return to which was impossible in the opinion of the Ossetian party, and also the citizens who earlier occupied the municipal housing. In total, the refugees' camp sheltered over 220 families of forced migrants.

During 13 years of its existence, the settlement that arose as a spontaneous camp did not manage to acquire the official status of a temporary accommodation centre and was not entered into the balance of any state structure. Formally, the camp was located in the territory of the RNO-A, however, actually it was organized and supported by the authorities of the Republic of Ingushetia. Attempts to compel refugees to leave the settlement were undertaken by North-Ossetian authorities periodically, and strengthened last spring, when the "Novy" settlement was founded for the refugees in the border with Ingushetia.

The relocation of the refugees into the new settlement was carried out according to the plan developed by the Office of Russian President in the South Federal District (SFD), according to which the consequences of the Ossetian-Ingush conflict should have been liquidated this year. However, not all the refugees agreed with this solution of their problems. Part of them refused to move, insisting on return to the places of their former residence in the Prigorodny District. They sent their demands practically to all the bodies of local and federal power, repeatedly went out to public protest actions, held hunger strikes, however, with no results.

In the beginning of this year the Prigorodny District Court made a decision on demolition of the spontaneous settlement and clearing the occupied land for arable usage; the decision made the basis for a complete liquidation of the small camp of the forced migrants. It is necessary to note also that now a group of forced migrants from "Maiskiy" is in Moscow. The representatives of the refugees are holding meetings with the Russian power structures, insisting that a chance should be given to them to return to those villages of the Prigorodny District, where they had lived before the conflict of 1992.

Yesterday, the group of migrants picketed the building of the Council of Federation in Moscow, where the issue on the situation in the Prigorodny District should have been considered. According to certain sources, Bashir Kodzoev, deputies of the State Duma from Ingushetia came out to the picketers and told them that in June a commission of the Council of Federation would be set up and arrive to the Prigorodny District for studying the situation and drawing recommendations on solving the refugees' problems...

The "Caucasian Knot" has already informed that today the last five families, who had refused to leave their camp and insisted on return to the places of their permanent residence in the territory of North Ossetia, were forced out of the "Maiskiy" settlement. The dwelling trailers where they lived have been transported to the "Novy" (New) settlement, where over 250 families of forced migrants from different settlements of the Prigorodny District are already deployed.

The power action of their resettlement was conducted by about 150 employees of law enforcement bodies of North Ossetia, court marshals, representatives of the administration of the

District, Department of the Federal Migration Service (FMS) for the Republic of North Ossetia-Alania (RNO-A), Ministry for Emergencies and other agencies."

Council of Europe, 2 May 2007:

"The process of assisting the return of Ingush displaced from their homes in Prigorodny district, and compensating them for loss of property, following the 1992 conflict between Ingushetia and North Ossetia-Alania, has been underway for several years now. The Advisory Committee [on the Framework Convention for the Protection of National Minorities] is encouraged by the information it has received concerning the successful integration of returning Ingush in certain mixed Ingush-Ossetian villages.

...The Advisory Committee is disturbed by reports it has received concerning the extremely poor living conditions of internally displaced persons who remain inside Ingushetia and in "Majskii" camp, inside the border of North Ossetia-Alania.

...The Advisory Committee notes that the remaining problems affecting the return of displaced Ingush, which include a lack of a consensus on the number of Ingush who have the right to state assistance in resettlement, are aggravated by the failure to find a political solution to the territorial dispute. The uncertainty which consequently hangs over the fate of Prigorodny district fuels speculation thus adding tension to the process of return."

Government of the Russian Federation, 13 October 2006:

"79. Указом № 1285 Президента Российской Федерации от 6 октября 2004 года "О мерах по совершенствованию деятельности государственных органов по развитию отношений между Республикой Северная Осетия-Алания и Республикой Ингушетия" на ФМС России возложены новые задачи, связанные с вопросами урегулирования последствий осетино-ингушского конфликта. В целях выполнения поставленных задач, в том числе по организации мероприятий по жилищному обустройству вынужденных переселенцев, лишившихся жилья в результате осетино-ингушского конфликта в октябре-ноябре 1992 года, создано Межрегиональное управление ФМС России (с местом дислокации в городе Владикавказе). В результате осетино-ингушского конфликта территорию Республики Северная Осетия-Алания покинуло свыше 40 000 человек. На сегодняшний день нуждаются в жилищном обустройстве 8 327 человек, состоящих на учете в Межрегиональном управлении ФМС России. ФМС России подготовлено и 30 декабря 2005 года правительством Российской Федерации принято постановление № 846 "О внесении изменений и дополнений в постановление № 274 правительства Российской Федерации от 6 марта 1998 года" (постановление № 274 правительства Российской Федерации от 6 марта 1998 года "Об оказании государственной поддержки гражданам Российской Федерации, лишившимся жилья в результате осетино-ингушского конфликта в октябре-ноябре 1992 года")."

Для более подробной информация ["В Ингушетии недовольны планом по размещению вынужденных переселенцев из Пригородного района," Кавказский Узел, 25 февраля 2006 г.](#)

Reconciliation needed in return areas in North Ossetia (2006)

- Climate of mistrust prevails between Ingush and Ossetians and this could spark conflict
- There have been no reconciliation efforts to date and as a result tensions remain
- Of 8,000 IDPs from Prigorodny district, 4000 have no legal ownership of their former homes

Кавказский Узел, 26 марта 2009г.:

"Власти Северной Осетии заверяют, что сегодня в Пригородном районе больше нет конфликтных ситуаций между жителями, проживающими в постконфликтной зоне. Между тем, по словам заведующего отделом проблем межнациональных отношений Института политического и военного анализа Сергея Маркедонова, осетино-ингушский конфликт из-за статуса и принадлежности Пригородного района, хотя и притушен, но не разрешен до конца.

Пригородный район по сей день является предметом острого территориального спора между ингушами и осетинами"

IWPR, 9 August 2006:

"The most neglected conflict in the Caucasus is showing worrying signs of heating up, after a string of violent attacks last month and angry protests by refugees. North Ossetian leader Taimuraz Mamsurov has accused officials from neighbouring Ingushetia of deliberately stirring up the dispute between the two autonomous republics over the disputed Prigorodny district, which erupted in violence in 1992.

"The North Ossetian leadership has decided to allocate 210 land plots for forcibly displaced people in Prigorodny district," North Ossetian nationalities minister Taimuraz Kasayev told IWPR. "In a short period, we have managed to resolve major organisational, financial, material, and technical problems, which will allow us to accommodate citizens of Ingush nationality."

However, a strong atmosphere of distrust is preventing a smooth return of the refugees and the violence has continued. A senior Ingush police official, Amirkhan Akhsoyev, died after being attacked in Maisky on August 2.

"There are forces that are doing all they can to set the Ingush and Ossetians against each other," warned Myrat-Haji Tavkazakhov, leader of the Muslim community in North Ossetia. "This should not be allowed. All disputed issues should be resolved peacefully."

Mikheil, a resident of the village of Tarskoye in the Prigorodny district, agrees, blaming politicians for stirring up the dispute. "We go to mosques and ask God to protect people from trouble. It is time to bury the axe of war deep in the ground. No one hinders us from doing this. The Ingush and Ossetians want to live without conflicts," he said.

Alan, an Ossetian resident of Ir, said he was worried. "The federal authorities are speeding up the return of the Ingush to our villages but, for some reason, no one has asked us whether we want this or not. Isn't it us who have to live with them? The officials create the problems and the people have to pay for them," he said."

Время, 11 апреля 2006г.:

"-- Реально ли выполнить поручение президента России об окончательном урегулировании конфликта до конца 2006 года?

-- Первая задача -- навести порядок в наших отношениях с ингушской стороной. У нас полное взаимопонимание с руководством ФМС, хотя какие-то цифры нас и коробят. Но мы понимаем, что они решают задачу в абсолютно правовом поле. Другое дело, что нельзя решать проблему обустройства, когда, с одной стороны, говорится, что две республики должны жить в мире и дружбе, а на сопредельной территории во всяких средствах массовой коммуникации нас буквально долбят. И даже судебные решения выносят об отторжении территории Пригородного района от Северной Осетии. Как можно работать в таких условиях? Если мы хотим решать задачу и хотим добрососедских отношений, надо всем работать вместе. Есть очень большие вопросы, требующие правового решения. По

нашим данным, из 8000 вынужденных переселенцев у 4000 нет правовых оснований претендовать на жилищное обустройство."

Resettlement

Resettlement in Dagestan (2009)

- Dagestani authorities provided resettlement assistance to some IDPs
- In Dagestan the lack of residence registration limits access of IDPs to social services and pensions
- Some IDPs from Borozdinovskaya village in Chechnya have purchased land and housing in Dagestan
- Some of these IDPs have also received compensation for lost housing and property

UNHCR, 20 August 2009:

"In October 2007 all of 37 families/176 former Nadezhda residents received assistance from the government of Dagestan (land plots, monetary compensations and shelter materials for integration at news places). All of them currently reside in several villages of Kizilyurtovskiy district. The major problems of IDPs are lack of job opportunities and absence of adequate living conditions in Temporary settlements of Dagestan. In addition, the authorities do not recognize the presence of IDPs from Chechnya. According to Vesta, at least 74 % of Chechen IDPs do not have sojourn registration in Dagestan. Consequently, this hinders their access to social services/entitlements as well as the issuance/renewal of the internal passports. IDPs in Dagestan were never registered by Migration Service and thereby never received food assistance or other support from local authorities in comparison with displaced population in Chechnya or Ingushetia."

UNHCR, 17 April 2008:

"Even though tolerated, the Dagestani authorities do not officially recognise the presence of Chechen IDPs in its territory. So far the only visible assistance provided to IDPs took place in September 2007. The government provided upon the closure of the camp, assistance to 37 families with a land plot, construction materials and cash grant. The camp was near the Chechen-Dagestani border. A recent survey conducted by UNHCR's partners covering 855 families (3,788 persons), more than 50% of IDPs belonging to a Dagestani ethnic groups wish to integrate in Dagestan. Most of those surveyed have no registration in Dagestan. This lack of registration hinders their access to social services and other entitlements such as pensions in Dagestan."

Caucasian Knot, 18 September 2007:

"Over 130 refugees from Borozdinovskaya village, who live in the "Nadezhda" (Hope) tent camp, have started their resettlement to the Kizlyar District Dagestan, where they had been allotted land estates for individual housing construction, the "Caucasian Knot" correspondent reports.

"We are enforcing the decision of President of Dagestan Mukhu Aliev who has decided to settle once and forever the problem of Borozdinovskaya residents," Sagid Murtazaliev, administration head of the Kizlyar District has explained. "They were allotted land plots for construction in the villages of Averyanovka, Yuzhnoe, Krasny Voskhod and state farm 'Kizlyarskiy.' The administration of the Kizlyar District is ready to render the necessary reasonable help in their accommodation and construction in news places."

As of today, 22 families have left the "Nadezhda" camp for their new residence. The remaining 15 families will follow in the near future."

Caucasian Knot, 6 July 2007:

"According to the available data, many refugees [from Borozdinovskaya village] have purchased land plots and housing facilities in the Kizlyar and Khasavyurt Districts, while according to the official data of the administration of the Shelkovskoy District, people received compensation for 32 households at a rate of 300,000 roubles each, 72 persons got their passports deregistered and left the district..."

As to providing the refugees from Borozdinovskaya with land plots in the territory of Dagestan for resettlement, the authorities of the Republic have no such rights and opportunities," the Secretary of the Security Council of Dagestan has concluded....

[At a meeting with the secretary of the Dagestan Security Council] the refugee group was told that a joint commission from representatives of power bodies of two Republics would be formed in the near future to solve the problem of paying out compensations to the village refugees for their abandoned houses."

DRC, 28 February 2007:

"More than half (about 55% of IDPs) in Kizlyarsky district are going to stay in Dagestan. It is explained by the fact, that the temporary settlements in the district are occupied by former villagers of Kenkhi settlement, Sharoysky district of Chechnya (Avar sub-nationality of Dagestan). The majority has moved to those places to be closer to their relatives, that have removed to Dagestan a time earlier for permanent residence. The process of removing started in terms of active military actions in Chechnya, 1994-1996. The second flow of migrants was caused by the second military campaign of 2000 year and catastrophic landslide in June, 2002, that had destroyed a lot of houses.

Regarding other districts, just 20-30% of IDPs intend to stay in Dagestan. The same situation we witness in the Ingush Republic, with just 20-30% of Chechen IDPs willing to stay for permanent residence in Ingushetia (absolute majority is represented by Ingush nationality)."

Some IDPs opt to stay in Ingushetia (2009)

- One quarter of IDPs living in Ingushetia intend to stay and not return to Chechnya
- IDPs say shelter support is essential to their integration
- Only a few IDPs responded that they could integrate without assistance
- Government of Ingushetia does not promote integration of IDPs, but has done some repairs in temporary settlements

UNHCR, 20 August 2009:

"Though the Ingush authorities do not promote integration of IDPs from North Ossetia in Ingushetia, they conducted some repair works in the temporary settlements of Ingushetia accommodating IDPs from North Ossetia."

УВКБ, 31 декабря 2007г.:

"В рамках программы интеграции на 2008-2010 гг. правительство Ингушетии в принципе согласилось предоставить земельные участки самым уязвимым перемещенным лицам, которые выразили желание остаться в республике. При наличии таких участков организации, занимающиеся вопросами жилья, будут строить новые дома на этих участках."

UNHCR , 30 June 2007:

"Out of the 1,097 surveyed families, 54.2% (593 families) declared their intention to return to Chechnya, 24.3% (268 families) opted for the possibility to integrate locally in Ingushetia, whereas 21.5% (236 families) declared to be still undecided [...]"

Among the IDP families who opted for the local integration in Ingushetia, 43.5% was not willing or able to express a definitive idea on the preferred location, 25.1% indicated the Nazran municipal area, 14.6% the Sunzhenski District, 11.6% the Malgobek District and only a minor segment of the TSs residents declared their preference for the Karabulak District and the Nazran countryside. These percentages may vary according to the district where IDPs are currently residing in the TSs but in general it is visible that IDPs who are opting to integrate are inclined to remain in the same district. For instance, 81.8% of the IDPs willing to integrate in Karabulak are currently in TSs in the same district. The percentage is 96.8% for Malgobek, 87.2 % for the Sunzhenski district, 70.1% for the Nazran municipality and 66.7% for the Nazran rural district. Only in these last two areas more mixed results are reported, likely due to the proximity of the locations.

The survey enquired about the conditions that IDPs deem essential to integrate in Ingushetia. 55.8% of the 267 families willing to integrate identified the need for shelter support from the international actor as the main condition and 37.5% demanded shelter support from the Government. Overall, only very few IDP families declared that they are self-reliant in their integration effort. Conversely, more than 93% of the IDPs willing to remain in Ingushetia declared that they need some form of housing assistance. Surprisingly, given the results on the property survey, very few IDPs (2.6%) expressed the need for the allocation of a land plot from the Government. Such result can be maybe explained with the fact that the land property dimension was not taken into full consideration by IDPs while answering, or rather included in the general request for shelter support [...]"

93.3% of the 267 families opting for local integration in Ingushetia are declaring that shelter support either form the international actors or by the Government is the main necessary condition to settle permanently and put an end to their situation of displaced [...]"

Yet, a major problem in Ingushetia remains the bleak perspective for a quick realisation the local integration plans of 24.3% of the IDP families residing in TSs, especially for those IDPs who do not have construction land or who cannot rely on family accommodation and support. The numerous governmental declarations – the last one at the end of 2006 – on the inception of special programmes to support the local integration through land allocation and housing subsidies must now to turn into reality. The risk is to face a "silent majority" of displaced families remaining in Ingushetia but disappearing from the Government records – and thus being cast out from the State and the international assistance - without a permanent solution being found for them. Such an unfortunate event is already visible with the IDPs residing in private accommodations, who were not the object of this survey."

DRC, 28 May 2007:

"Many IDP households have adapted to situation and worked up some coping mechanisms for living in Ingushetia. The considerable part of IDPs' income (50-70 %) is humanitarian aid from different International Humanitarian Agencies. 20-30% of surveyed households earn an income from temporary and permanent work. 5-10% of interviewed households receive assistance and approximately the same number of households receive social allowances (pensions, children allowances).

As it was mentioned above, approximately 21 % of surveyed households would like to stay in Ingushetia on permanent basis. The reasons are described in table 2. The main reason is absence of housing in Chechnya. Up to 85 % of IDPs wishing to integrate in Ingushetia already

have lost their houses in Chechnya (sold or refused it under the program "Refused Housing"). 26% have obtained own housing in Ingushetia. 46 % of households state security as one, but not the single reason for non-return."

Reasons for non-return to Chechnya

Table.2

District	Security	Housing	Work in Ingushetia	No housing in Chechnya	No work in Chechnya
Karabulakskiy	4	2	1	5	1
Malgobekskiy	21	18	6	20	
Nazranovski	16	2		37	7
Sunzhenski	7	5	3	26	
Total	48	27	10	88	8
% total	46%	26%	10%	85%	8%

HUMANITARIAN ACCESS

Access to North Caucasus

Human Rights Defenders and local NGOs targeted (2009)

- Human rights defenders threatened, harassed and attacked across North Caucasus
- The situation for them significantly deteriorated in 2009, with several being killed
- With no state protection for human rights defenders, some have fled Chechnya

Мемориал, 20 июля 2009г.

"Правозащитный центр "Мемориал" временно приостанавливает работу своих представительств в Чеченской Республике.

Мы приняли это решение в условиях, когда жизнь, здоровье и безопасность наших сотрудников подвергаются серьезной угрозе, когда власти Чеченской Республики проявляют нескрываемую враждебность к любым независимым общественным инициативам и демонстрируют полное непонимание принципов функционирования гражданского общества, когда высокие должностные лица приравнивают правозащитников к террористам и угрожают им."

Мемориал, 15 июля 2009г.

"Сегодня убили нашего друга и коллегу, близкого нам человека..."

Мы знаем, что последние из подготовленных Наташей сообщений о новых похищениях, о бессудных казнях, о публичном расстреле посреди одного из чеченских сел вызвали негодование в верхах Чечни. Об этом так называемый уполномоченный по правам человека Чечни Нурди Нухажиев сказал руководителю нашего грозненского офиса. Он заявил, что не хочет, чтобы что-то случилось, поэтому будет ругать правозащитников.

Мы пошли на риск, который оказался неоправданным. Мы очень виноваты. Назовем все своими именами. В России творится государственный террор. Мы знаем об убийствах в Чечне и за пределами Чечни. Убивают тех, кто пытается говорить правду, критиковать власть. Рамзан Кадыров сделал невозможной работу правозащитников в Республике. Те, кто убил Наташу Эстемирову, хотели прекратить поток правдивой информации из Чечни. Может быть, им это удалось."

Jamestown Foundation, 29 July 2009:

"More fundamentally, independent NGO's are almost bound to be regarded in Russia as somewhat inimical entities, as historically the Russian state has tended to control all associations of individuals, including the Russian Orthodox Church. Therefore, the idea that some NGO's, such as those advocating human rights, need to be not only independent from the state but often opposed to it, is revolutionary in Russia, especially to Russian officials with a KGB background, accustomed to exercising total control over society.

Civil society in the North Caucasus is in an even more precarious condition, since much of Moscow's criticism of the NGO's is linked to their work in this region. As Moscow is worried about

its control over public life in the North Caucasus, more than perhaps anywhere else in the country, it is especially wary of independent civil organizations. Therefore, unless an NGO is under direct state control, it has little chance to survive in the North Caucasus. Even an utterly depoliticized enterprise like the charitable hospital for women in Makhachkala has practically been ruined, following repeated attacks by the government...

The Russian authorities were especially harsh in their treatment of foreign NGO's that worked with Chechen refugees. Many of them were barred from Russia, like the Czech NGO People in Need, essentially for their humanitarian activities in the region. Another way of countering what was described by the authorities as the hostile involvement of foreign powers in Russian civil society was the introduction in 2006 of a government grants system. These government grants, however, went predominantly to the pro-Kremlin NGO's, while the NGO's opposing the regime in one way or another received nothing.

Thus, the conditions for the development of civil society in the North Caucasus are gloomy. Foreign funding is virtually inaccessible for NGO's in the North Caucasus. Kremlin sponsored grants do not reach any activists that oppose the current political regime either in Moscow or in their respective republics. This coupled with businesses' understandable timidity to support any kind of opposition provides zero growth rates for civil society in the North Caucasus.

Moscow might believe that putting pressure on civil society in the North Caucasus is a good idea, since very few independent people are left who can articulate the public's concerns, and even those that can are excluded from the official discourse and deprived of publicity. However, the reverse side of this is that more people turn to violence, as there is no peaceful route for them to express their political opinions or to settle the disputes that they have with the authorities."

Jamestown Foundation, 21 August 2009:

"...organizations receiving grants from foreign donors are being expelled from the republic with the ultimate goal of clamping down on the negative news that both the local and the federal governments are trying to hide. The exodus of human rights organizations from Chechnya, combined with the ongoing ban on the unrestricted travel of independent journalists without police or FSB escorts, will further consolidate Chechnya's isolation from the real picture of this perpetual North Caucasus hotspot."

Guardian, 13 August 2009:

"Estemirova had worked on some of the most sensitive cases of rights abuses in Chechnya: she documented extrajudicial executions, acts of torture and enforced disappearances by Chechen law enforcement and security agencies, and the Chechen authorities did not mince words to express their discontent with her and Memorial on numerous occasions. By contrast, Save the Generation stayed away from sensitive political issues and controversy, focusing on humanitarian problems. What made Estemirova and Sadulayeva similar, in addition to their horrifying deaths, was their unwavering dedication to helping the victims in Chechnya and their absolute independence from local authorities.

Independent activists are not tolerated in contemporary Chechnya. This intolerance goes far beyond the seething contempt officials have expressed for human rights activists – it can be lethal. As with the murder of Estemirova, there are grounds for suspecting official collusion by local authorities in the killing of Sadulayeva and Dzhabrailov and this possibility needs to be pursued by the investigation.

These killings brings to four the number of activists working on Chechnya who have been killed this year, starting with Stanislav Markelov, a prominent human rights lawyer, in January. The perpetrators of all these crimes are at large, and this stark impunity is apparently inspiring more vicious and deadly attacks on activists in the region. Only a thorough, effective investigation that

ends in the prosecution of the killers can put an end to the chain of attacks. Otherwise, more murders are bound to follow and we'll keep asking ourselves, "Who's next in line?"

AI, 1 July 2009:

"Many human rights defenders, lawyers and journalists working in the North Caucasus have been subjected to threats, harassment, ill-treatment and, on occasion, enforced disappearance...Human rights defenders, including defence lawyers, journalists and human rights activists in Chechnya face intimidation and other forms of pressure. Human rights defenders are on occasion detained in connection with their work."

Caucasian Knot, 16 June 2009:

"Activists of public organizations and human rights activists, who work in Northern Caucasus, are exposed to serious risk. This is the opinion of Aslambek Apaev, a Chechen human rights activist, expert of the Moscow Helsinki Group for Northern Caucasus and chairman of the Committee in Defence of Rights of Forced Migrants.

As examples, the Chechen human rights defender gave the incidents that took place in May with his deputy for Ingushetia Yakha Oligova and with Arkadiy Goryaev, head of the Foundation to Promote Rehabilitation of Repressed Nations in Kalmykia. Both of them were attacked by unknown persons and received thus serious wounds and traumas.

"On May 11, about two weeks before this incident, Yakha Oligova, my deputy in the Committee in Defence of Rights of Forced Migrants, was heavily wounded in Ingushetia. Two persons jumped over the fence of her house and shelled her from a pistol. Ms Oligova received six heavy wounds and is still in hospital. I'm sure that these actions were targeted, nicely prepared and aimed to intimidate all of us. After the incident with Oligova, the militia has also failed to detain any culprits," said the human rights activist."

HRW, 20 August 2009:

"The Russian government should immediately investigate the arson attack today on the office of a human rights group in Dagestan, a republic in Russia's North Caucasus region, Human Rights Watch said.

The group, the Mothers of Dagestan for Human Rights (MDHR), was formed in 2007 by mothers of young men believed to have been forcibly "disappeared." With an office in Makhachkala, the capital of Dagestan, the group gathers information on abuse by the police and other law enforcement authorities as the government fights an Islamist insurgency, and provides legal support to victims of rights violations...

Members of the group told Human Rights Watch that there have been many attempts to intimidate them, including some by local security forces, to try to dissuade them from pursuing human rights work. Several Russian media outlets have published articles accusing the group of supporting terrorism and extremism.

Human Rights Watch urged the Russian authorities to examine the case, taking into account the threats as well as the group's work on abuses by local law enforcement, and the growing violence in the North Caucasus, especially against human rights defenders.

"The Russian government has a responsibility to investigate the possibility of local security collusion in these threats and attacks," Cartner said. "If local authorities are in any way involved, or encouraged these attacks against human rights workers and dissenting voices, they need to be held accountable."

Jamestown Foundation, 11 July 2008:

"Since March there have been almost daily reports of rebel attacks across the republic and shootouts involving police units, who live as if under siege. Notably, these stories include only what has been filtered through the news selection process, because in the absence of confirmation by the Russian information agencies, such news is usually dismissed by Western audiences as rebel propaganda. Until recently, such reports could have been verified with the help of NGOs present in the region; however, this mechanism is apparently being eliminated. Following the example of the United Nations, other humanitarian organizations are also winding down their activities under pressure exerted by the Russian government's policies targeting non-governmental organizations (NGOs). The last straw came on July 2, 2008, when Prime Minister Vladimir Putin terminated all tax exemption benefits granted to NGOs, including the International Red Cross."

NHC, 30 April 2008:

"The situation for human rights defenders in the region has been critical from the inception of the counter-terrorist operation, and has deteriorated in 2007 and 2008. Threats, harassment and attacks (including killings) of human rights defenders have been reported across the North Caucasus, with the gravest incidents occurring in Ingushetia and Dagestan."

Human Rights Watch, 20 February 2008:

"Over the past eight years the Kremlin has stifled public dissent in Russia by establishing control over television and much of the print media, marginalizing the parliamentary opposition, and limiting public demonstrations. With the adoption of a 2006 law regulating nongovernmental organizations (NGOs), the government began to subject Russia's vibrant civil society to greater scrutiny, control, and interference. This report documents how the government is applying this law and other regulations to NGOs that work on controversial issues, may be capable of galvanizing public dissent, are associated with certain opposition movements, or receive foreign funding.

Some of these organizations have been subjected to intrusive inspections by the Registration Service, to harassing tax audits, police raids, and even criminal charges against their leaders. To preempt warnings from the Registration Service, which can lead to an organization's closure, many NGOs have no choice but to become bogged down in complying with myriad regulations and responding to inappropriate government demands. NGOs are forced to devote precious time and resources to comply with, and sometimes challenge, excessive and unnecessary bureaucracy instead of focusing on substantive work. The overall impact of the Russian government's new policies toward NGOs has been to choke them with bureaucracy, to undermine independent activism, and to further silence dissenting voices. Human Rights Watch calls on the Russian government to end and desist from further arbitrary limits on the work of independent NGOs...

The government does not target all NGOs equally. It has focused on NGOs that receive foreign funding and are most outspoken on controversial topics of Russian government policy, such as the war in Chechnya or human rights more broadly. The Information Center of the NGO Council (hereinafter, "the Center") is an NGO with offices in Grozny, Chechnya, and until December 1, 2007, in Nazran, Ingushetia. It distributes daily information bulletins on the situation in Chechnya. In the past two years the Center has been subjected to administrative harassment as well as threats and, on one occasion, a raid of its premises."

Amnesty International, 26 February 2008:

"Amnesty International believes that human rights defenders and human rights organizations, which are funded from abroad, are particularly targeted for harassment and intimidation, in a context in which they have been accused by government representatives and media as "unpatriotic".

Amendments to Russian laws governing the work of non-governmental organizations were introduced in 2006, which have seriously impacted on the right to freedom of association. The laws came into full effect in early 2007, when Russian non-governmental organizations (NGOs) for the first time had to submit reports about their activities under the new regulations. Amnesty International is concerned that the amendments are unduly burdensome and open to arbitrary interpretation by the authorities. Therefore they can be and have been used to target some NGOs, including human rights organizations, because they are seen as a threat to state authority. Some NGOs, including human rights organizations, have had to suspend their activities due to the requirements of the law and in some cases are reported to be facing possible closure for alleged violations of the law.

These amendments are not the only legal instruments used to restrict the work of civil society organizations. Other laws have also been used to prevent the registration of an organization, or harass those who are perceived by the authorities to pose a threat to state authority. In some cases what appears to amount to a campaign of administrative harassment is targeted at an organization."

Prague Watchdog, 21 July 2008:

"The ambivalence of the position of Chechen officials (although they are actually appointed to their posts by Moscow and are under its control in all matters, they argue that they are rescuing the people from Moscow) gives the members of non-governmental organizations a small but real chance of carrying out work that is more effective. During the second war, the NGOs collected an enormous amount of factual material, prepared descriptions of all the major "mop-ups", recorded the instances of artillery and missile strikes on civilian sites, and compiled lists of citizens who were killed or abducted. In addition, they have succeeded in obtaining a legal assessment of the conflict in Chechnya. For example, in the rulings of the European Court of Human Rights in Strasbourg, the actions of Russian military service personnel are characterized as crimes against humanity."

UN HRC, 21 February 2008:

"134. The Special Rapporteur thanks the Government of the Russian Federation for its reply to his urgent appeal. However, he wishes to express concern that the attack on Ms. Uzunova may be directly related to her legitimate work in defence of human rights in Russia, in particular, her activities in relation to the protection of minority rights, activism against extremism and incitement to racial hatred in Russia. The Special Rapporteur wishes to refer to one of his recommendations on his report on the Russian Federation establishing that "acts of racism and intolerance against foreigners, and in particular students, human rights defenders, witnesses in criminal investigations, intellectuals and activists engaged in the combat against racism should be firmly condemned and given utmost priority by law enforcement officials, amongst others, by offering effective protective measures from racially motivated attacks, especially by ultranationalist groups"."

UN HRC, 5 March 2008:

"1722. The Special Representative thanks the Government of the Russian Federation for its replies to eight communications sent.

1723. She continues, however, to have grave concerns regarding the situation of human rights defenders in the Russian Federation, particularly lawyers working in defence of human rights and journalists who seek to document human rights violations. Both groups come under increasing pressure due to threats and intimidating behaviour. In light of the killing of the journalist Anna Politkovskaya the Special Representative calls on the Government of the Russian Federation to proceed with thorough impartial investigations of this killing and the other cases of threats and assaults of journalists across the Federation.

1724. Also of particular concern to the Special Representative is the case of Ms Larissa Arap, raised in a communication of 6 August 2007. Notwithstanding the Government response of 19 September 2007, the Special Representative has grave concerns regarding the psychiatric treatment of human rights defenders following their detention and urges the Government to cease any involvement it may have in such cases.

1725. She further expresses her most serious concern regarding registration laws and regulations which may have as their sole objective the stifling of criticism and the curbing of civil society movements in the Russian Federation and urges the Government to be transparent in its motives in the monitoring, investigation and closing down of non-Governmental organizations, as in the case of the Russian- Chechen Friendship Society, outlined in a communication of 12 October 2006, responded to on 20 February 2007."

See also *Continued Killings of Rights' Activists in Chechnya Challenges Moscow, Jamestown Foundation, 13 August 2009.*

Independent media stifled in North Caucasus (2009)

- Russian authorities have obstructed and targeted independent journalists, media outlets and NGOs
- Series of killings of journalists in Dagestan in recent years
- Most local media in the North Caucasus are government mouthpieces
- There are very few independent news media and they are privately owned or established by NGOs

UN News Centre, 17 August 2009:

"The head of the United Nations agency mandated with protecting press freedom today condemned the recent killing of a Dagestani journalist in Russia, calling on authorities to bring those behind the murder to justice. Malik Akhmedilov, a sub-editor for the local Avar-language newspaper Khakikat, was found dead on 11 August in Makhachkala, the capital of the Russian republic of Dagestan.

"Enabling journalists to carry out their work in reasonable conditions of safety and letting them contribute to public debate are two essential conditions to improve peace and stability in the Caucasus," said Koïchiro Matsuura, Director-General of the UN Educational, Scientific and Cultural Organization (UNESCO).

Mr. Akhmedilov's murder is the latest in a series of killings of journalists in Dagestan in recent years. Abdoullah Alichaiëv, of the local television channel TV-Chirkei, was shot dead in September 2008, six months after the killing of his colleague Gadji Abachilov. Magomedzagid Varisov, a reporter for the weekly Novoye Delo, was killed in June 2005."

AI, 1 July 2009:

"Independent journalists, media outlets and non-governmental organizations (NGOs) in Russia have been not only obstructed but also targeted by the authorities for reporting about human rights violations in the North Caucasus. They have also been repeatedly accused by government representatives of supporting "extremism" and working for foreign secret services."

Memorial, 29 May 2009:

"Republican newspapers and television are under total control of the authorities. More than half of the news are dedicated to the activity of the president of the CHR. The rest is with no exception

“about the success and victories in building a peaceful life”. Alongside the streets and roads of Chechnya numerous enormous pictures of R. Kadyrov, the current president of the CHR, his father A.K. Kadyrov, the previous president of the CHR, and of V.V. Putin, are set up.”

Reporters without Borders, 26 June 2009:

“Whether a heritage of the Soviet era or a result of war and destabilisation, most of the local media are government mouthpieces or are regarded as such. The very few independent news media are privately owned or were created by NGOs. Usually self-funded, they are exposed to pressure.

Chechnya

Chechnya has five newspapers that are distributed throughout the republic, four magazines, the Grozny city newspaper and five district newspapers. It has two local TV stations that cover the entire territory (the religious station Put and the youth-oriented Molodyoj). Each district has a TV and a radio station that are “mainly entertainment-oriented but also broadcast news flashes.” There is also TV Grozny, which is available by satellite. Russia’s main national TV stations – Rossia, Pervyi Kanal, NTV, RenTV and TRK Peterburg – are available free-to-air. The public can also access other TV stations with satellite dishes, including international TV stations. Moscow newspapers such as Argumenty i Fakty, Novaya Gazeta, Kommersant and Moskovskiy Komsomolets are to be found on newsstands and are available “without any restriction,”...

“We were much freer in the period after Aslan Maskhadov, we could say a lot more,” he said. “There used to be two other independent newspapers, Chechenskoye Obshestvo and Golos Chechenskoy Respubliki. But they stopped publishing more than a year ago.” A local source said that, after an unsuccessful bid to win a parliamentary seat, Chechenskoye Obshestvo editor Timur Aliev said on TV that the election had been marred by fraud. Both President Kadyrov and the human rights ombudsman denied Aliev’s fraud allegations. He subsequently received serious threats.

“Nowadays one is only supposed to talk about what is working well,” said one of the correspondents of Dosh, a Moscow-based magazine about the Caucasus. “The best period for the press was under Dzhokhar Dudayev. Articles were bolder and more honest. Lots of readers’ letters were printed. Not a single journalist disappeared or was killed or beaten in Dudayev’s time.”...

The activists said the current tendency in press freedom in Chechnya is increased harassment of journalists accompanied by increased self-censorship. As a result, much of the public looks to the NGOs to report problems or to try to get its rights respected.

Ingushetia

The Ingush population has access to the main federal TV stations and an offshoot of the Russian broadcaster VGTRK, which transmits two hours of local programming a day. Even the president’s office estimates that 60 per cent of its content is government information...

All the journalists and activists that Reporters Without Borders met deplored the poor level of news reporting being provided to the public. When news media in both Ingushetia and Chechnya have information that is too sensitive to publish, they pass it over to NGOs to put in their reports. But NGO initiatives are usually boycotted by the local state media, even when they concern social issues such as public transport or housing. This is especially so when information about the persistence of violence is provided.

This also applies to the rulings of the European Court of Human Rights, which are supposed to be published in the state-owned media of the countries concerned. This does not happen in Chechnya, the NGO Memorial says. The only way for Chechnya's inhabitants to learn about European Court of Human Rights decisions is through the Internet...

More violent methods of intimidation are also used, especially in Ingushetia, where the political and social tensions are very marked. Magomed Yevloyev, the owner of Ingushetia.org, a website very critical of then Ingush President Zyazikov, was illegally arrested by interior ministry forces on disembarking from a plane on 31 August 2008 and was shot in the head minutes later while still in their custody. The website's editor, Roza Malsagova, now lives in exile for the sake of her safety and the safety of her three children...

Dagestan

The local media are reluctant to take up the issue of disappearances. Only bolder newspapers such as Chernovik dare to, Isayeva said. Chernovik's direct rival, Novoye Delo, refuses to touch it. As in Chechnya and Ingushetia, it is often only the Moscow-based media such as radio Ekho Moskvyy and the foreign media that cover disappearances. And as in Chechnya, the authorities have invested heavily in creating state-owned media that have no interest in covering this kind of sensitive story. As a result, the occasional report about disappearances in the privately-owned media is barely noticed amid all the reporting being put out by the state media. At the same time, the privately-owned media find it hard to survive this unfair competition."

Committee to Protect Journalists, 24 April 2008:

"The Russian government—both on the federal and on the regional level—has suppressed independent reporting on the turbulent North Caucasus since the beginning of the second Chechen war in August 1999. Though the administration has claimed that life in the southern republic of Chechnya is returning to normal, few journalists are allowed to move freely and interview local residents without being harassed or obstructed by authorities. CPJ has recorded numerous cases of harassment, intimidation, abduction, obstruction, and physical assault against journalists. The official restrictive policies have led to an information vacuum about crime, corruption, and human rights abuses in the North Caucasus, and led to an overall public ignorance about the conflict-ridden region."

Law on NGOs (2009)

- NGO law amended in 2009, but limitations on foreign funding remain
- Changes reportedly make NGO registration and reporting easier and limit government ability to inspect NGOs
- President Medvedev acknowledged NGOs face difficulties and unwarranted restrictions
- Number of NGOs decreased from 600,000 in 2002 to 200,000 in 2008

HRW, 13 May 2009:

"In an order released on May 12, President Medvedev created a working group to draft changes to Russia's law on non-commercial organizations (NCOs). Approximately 35 percent of Russian nongovernmental organizations (NGOs) are registered as NCOs. The rest are registered under different legal forms. The working group, composed of representatives of the presidential administration, the Ministry of Justice, the Duma and Federation Council, and civil society, is to submit proposals within three weeks of May 8, the date the order took effect.

At a meeting with the members of the Presidential Council for Civil Society Institutions and Human Rights on April 15, Medvedev acknowledged the difficulties faced by NGOs, including restrictions "without sufficient justification," and the fact that many government officials view NGOs as a threat. At the time, Medvedev stated his willingness to review the law...Moreover, any reforms that result from the panel's work will not change limitations on foreign grant funding introduced by Prime Minister Vladimir Putin in 2008."

Jamestown Foundation, 29 July 2009:

"On July 20 President Dmitry Medvedev signed into law amendments to Russian NGO legislation. The changes make it easier for the NGO's to register with the government, to report on their activities and limit government agencies' ability to perform regular checks on NGO's..."

According to the head of the Helsinki Rights Group in Moscow Lyudmila Alekseeva, the number of NGO's in Russia diminished from 600,000 in 2002 to 200,000 in 2008 (www.newsru.com, April 8, 2008)...

The latest amendments do not appear to have altered the restrictive nature of the existing NGO legislation that evolved over the past few years. For instance, last year the Russian government limited the number of foreign donor organizations whose grants are not subject to taxation in Russia from 101 to 12...

Regarding the NGO's as a security threat to Russia has become almost a tradition among members of the government. In April 2008 the then head of the Federal Security Service (FSB) Nikolai Patrushev accused unspecified foreign NGO's of not simply supporting Islamic militants in the North Caucasus, but of recruiting young people for them. Alexander Torshin, the Vice-Speaker of the Russian Federation Council counted 59 NGO's that supported "Chechen terrorists" (www.gazeta.ru, April 8, 2008). Judging by this, and given the fact that both men still occupy key positions within the Russian government, the liberalization attempts of NGO legislation are likely to face an uphill battle.

The explanation for the government's crackdown on NGO's most likely stems from Russia's totalitarian past. According to the Deputy-Director of the Moscow-based Center for Political Technology Alexei Makarkin, "the Russian authorities and western organizations that support democratic development, have a different understanding of what political life might represent. From the westerners' point of view, politics is all about political parties. From the Russian authorities' point of view everything even obliquely related to the political process is politics."

CoE, 8 June 2009:

"Freedom of association and harassment of non-governmental organisations (NGOs) has been one of the main issues of concern in Russia, especially since the entry into force of new legislation ("NGO law") in 2006, which led to the closure and the denial of registration of several thousands of NGOs. The Assembly thus welcomes the recent initiative of the President of the Russian Federation to set up a working group to draft changes to the NGO law"

MHG/HRWF, February 2008:

"During the period in office of President Vladimir Putin, NGOs have come under growing attack in Russia, with government officials exploiting security concerns to challenge the credibility of independent NGOs. In particular, human rights, prodemocracy and environmental groups, which are almost completely dependent on foreign funding, have been accused of undermining "national interests." Security-oriented rhetoric was also used to justify the adoption in late 2005 of a new law that introduced significant changes to existing legislation on NGOs, the so-called NGO law. Despite strong criticism both at home and abroad, Putin signed this law in January 2006, and three months later, it entered into force.

The NGO law is vaguely and ambiguously worded and grants authorities wide and discretionary powers to make decisions about the status of NGOs, oversee and scrutinize their activities and initiate sanctions for alleged violations. At the time of the adoption of the law, Russian and international human rights organizations expressed concern that many of its provisions are inconsistent with international human rights standards and may result in violations of freedom of association and other fundamental rights. More than 18 months after the entry into force of the law, it is clear that it has had a far-reaching, adverse impact on Russia's civil society. While not all problematic provisions may have been applied so far, the law has proven to be open to arbitrary and selective implementation, and it has been used to impede, restrict and punish legitimate NGO activities. It has seriously constrained the day-to-day work of NGOs throughout the country and contributed to growing insecurity and vulnerability of NGOs.

Major concerns include:

- New broadly and vaguely formulated grounds for denying NGOs registration as legal entities were introduced.
- New onerous reporting obligations for NGOs were established.
- Registration authorities were granted broad powers to supervise and review the activities of NGOs.
- The law prohibits, among others, people deemed to be involved in "extremist" activities from founding, joining or participating in NGOs."

HRW, 20 February 2008:

"Under the 2006 law, all foreign NGOs operating in Russia must inform the Registration Service about their projects for the upcoming year and about the amount of money allotted for each project. The Registration Service then has the discretion to ban NGO projects, or even parts of projects, on grounds that are not clear. If a foreign NGO implements a banned project, the registration office can close its offices in Russia. Foreign NGOs must provide the Registration Service with quarterly updates on their work plans and notify the Registration Service of any new planned program at least one month in advance and of any "essential" changes in planned activity within 10 business days of deciding the changes.

Some point to the fact that the NGO law has not resulted in the wholesale closure of a large number of NGOs—as was initially feared—and have argued that there is no evidence of an intentional government policy to close down civil society or severely limit its scope. These observers sorely underestimate the effect that these combined measures have had on civil society. The onerous and intrusive provisions of the law and its abusive implementation, as well as the misuse of other legislation and regulations, have clearly narrowed the space for civil society and undermined NGOs' ability to facilitate checks on government conduct. There is little doubt that in practice the law, the manner in which it is implemented, and the context in which it is invoked are intended to have a choking effect on civil society—a state of affairs fundamentally incompatible with a democratic state that fully observes human rights and the rule of law.

The government does not target all NGOs equally. It has focused on NGOs that receive foreign funding and are most outspoken on controversial topics of Russian government policy, such as the war in Chechnya or human rights more broadly, or on organizations that are in some way affiliated or viewed as supportive of Other Russia, the opposition movement associated with the political dissident Garry Kasparov. While it is true that Russia still has a large and active civil society, organizations that are most critical and that would be most likely to challenge government policy are instead preoccupied with fighting administrative interference and fulfilling bureaucratic requirements."

Monitoring efforts of international organisations constrained (2009)

- Lack of international access to Prigorodny district means insufficient knowledge of returnees
- Russian authorities blocking visits by international human rights experts and independent observers
- DRC and ICRC are the only aid organisations allowed to have international full-time staff in Chechnya
- All UN and international NGOs travel with armed security guards due to kidnapping threat
- Most insecure parts of Chechnya still out of bounds

UNHCR, 20 August 2009:

"UNHCR has no access to Prigorodny due to Federal Decree # 470 (4 July 1992, amended by Amendment # 155 of 21 March 2007) that restricts movements of non-RF nationals. Therefore, UNHCR currently still has insufficient knowledge with regard to the situation of returnees."

AI, 1 July 2009:

"These obstacles to accountability in the North Caucasus are compounded by barriers placed on access to the region and public reporting. International human rights bodies regularly visiting the region include the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), but the Russian authorities continue to refuse to allow the reports of its findings and recommendations from these visits to be published.

An established system of independent visiting and unrestricted access are acknowledged to play a key role in the prevention of torture. Russia has yet either to sign or ratify the Optional Protocol to the UN Convention against Torture, Inhuman and Degrading Treatment (approved in December 2002) that provides for a system of visiting places of detention by independent national and international bodies.

The Russian authorities are also obstructing scrutiny of the region by other international human rights mechanisms and independent observers. This applies in particular to Chechnya but also affects the wider region. For example, the Russian federal authorities continue to block a visit by the UN Special Rapporteur on torture to Russia, including the North Caucasus region, on his standard terms of reference. Amnesty International has also twice been refused entry to Chechnya, most recently in June 2008.

In June 2008 the Bureau of the Parliamentary Assembly at the Council of Europe (PACE) agreed to resume the dedicated and regular monitoring and public reporting on the situation by the Committee for Legal Affairs and Human Rights. The Committee subsequently confirmed the nomination of Dick Marty as rapporteur and authorised him to carry out a fact-finding visit to the North-Caucasus region. A visit by the PACE Rapporteur to Chechnya, Dagestan and Ingushetia was foreseen for May 2009 but it has not yet taken place...

In May 2008 the UN Special Rapporteur on the independence of judges and lawyers undertook a mission to the Russian Federation. The Rapporteur noted that the recent (2007) separation of functions of investigation and prosecution has the potential to further encourage judges to assume their central function in the Russian justice system.

However, the Rapporteur urged the Russian authorities to conduct an independent analysis of the work of the Investigative Committee and take a series of steps to strengthen procedural legislation and practice, steps which have direct relevance to improving human rights observance in the North Caucasus. These include introducing mechanisms for maintaining accurate records of arrests and detentions, ensuring impartial and effective investigations of credible allegations of

torture and other serious human rights violations, and inviting the relevant Special Procedures of the UN Human Rights Council to Russia, including to the North Caucasus."

ECHO, 15 May 2009:

"In addition to security, the successful implementation of humanitarian programmes will depend upon access to Chechnya. While it had been significantly better in recent years, NGOs continue, randomly, to face difficulties to obtain visa and access permits to Chechnya."

ODI, 28 February 2009:

"Despite the progression away from humanitarian relief, humanitarian access to Chechnya remains difficult. The 'remote-control' delivery which characterised much of the response in Chechnya from 2000 onwards has slowly been overtaken by more direct implementation since 2006. Whilst security limited access in the past, today it is regulated by the authorities: DRC and ICRC are the only aid organisations with permission to retain full-time international staff in Chechnya. The UN has not been allowed to maintain a permanent presence in the republic. Permission to remain, along with authorisation for any travel by internationals outside Grozny, must be confirmed each month. The most insecure regions of Chechnya remain largely out of bounds. Due to the threat of kidnapping, all UN and international NGOs, with the exception of Médecins Sans Frontières (MSF), use armed guards in Chechnya and neighbouring republics. Once an organisation has started using armed guards it is very difficult to stop, irrespective of whether doing so would influence programme security. The use of armed guards has created its own dynamics: the sector employs a significant number of Ministry of Interior security personnel and is therefore a useful income provider and, presumably, information source for the authorities."

US DOS, 25 February 2009:

"During the year the government continued to deny UNHCR requests to set up an office in Grozny to ensure that those returning were provided international standards of safety and dignity. Repatriated Chechens remained vulnerable to being viewed by the local population as possible militants or as wealthy because they were able to afford traveling abroad. Such perceptions placed them in danger of harassment and of kidnapping for ransom."

Leach, 2008:

"The oversight carried out by international human rights bodies in respect of the conflict in Chechnya has been impeded by lack of access and by a lack of co-operation by the Russian authorities. The Council of Europe's Committee for the Prevention of Torture (CPT), for example, has issued three public statements on Chechnya, action it will only take if a state fails to cooperate or refuses to improve the situation in the light of the Committee's recommendations.¹ In 2007, it reported on the Russian authorities' consistent refusal to engage with the CPT on core issues. A number of the UN Special Procedure mechanisms, such as the UN Special Rapporteurs on Torture and on Extrajudicial, Summary, and Arbitrary Executions, have not been permitted to visit and report on Chechnya.² Since the end of 2002 the mandate of the OSCE Assistance Group to Chechnya has not been renewed by the Russian authorities."

UN, 1 September 2008:

"In 2006, UN security phase in the Chechen republic was decreased, and as a result, the UN Refugee Agency and other UN agencies have increased the number of missions to the republic. It allowed us to improve planning and monitoring the implementation of our projects.

However, our staff can still travel in Chechnya only with very strict security. The opening of an office, which would reduce the number unnecessary missions, is still being considered by federal authorities. In April last year, our agency and other UN agencies temporarily closed their offices in Nazran, Ingushetia, and they are still closed. This decision was taken, when a UN office was damaged during attacks. But the implementation of UNHCR's projects in Ingushetia continues."

ACCORD, 30 April 2008:

"The UN office in Ingushetia had to be closed in July 2007 as a result of grenade attacks on the UN compound in March 2007. In the absence of approval from the Ministry of Foreign Affairs, the UN has not been able to establish a permanent presence in the Chechen Republic. UNHCR monitors the situation in Chechnya through its staff based in Grozny and missions that take place once a week or less. For missions within Chechnya, UNHCR staff must announce to the authorities the locations in advance and are accompanied by heavily armed escorts provided by the Russian Ministry of Interior. These escorts inhibit persons of concern in speaking openly about any concerns they may have though they stay outside when UNHCR holds meeting indoors...It is reported that the security forces visit the respective people in advance and question them and their family members about why the humanitarian organisation wants to talk to them. In principle, there are no restrictions imposed by the authorities on the UN's access to areas within Chechnya. However, the UN virtually has no access to the south of Chechnya, where armed clashes reportedly take place occasionally. "

UN OCHA, 12 December 2006:

"While the security situation is gradually improving against the background of some social and economic rebound, unlawful and violent acts continue to pose a protection challenge in the post-conflict environment of Chechnya and the neighbouring republics. This prevalence of lawlessness is not inconsistent with conflict and post-conflict conditions elsewhere, and in Chechnya and its neighbouring republics it makes protection a challenge by all partners. As an illustration of the challenge, at least 53 civilians disappeared in Chechnya in the first half of the year according to the Chechen Ombudsman's office; the human rights organization Memorial put the number at 125. During the same period, at least 45 cases of assassination in Chechnya also were reported. These forms of lawlessness are a serious threat to individuals and to the recovery of society. They are also indicative of a wider problem of human insecurity.

On the positive side, as regards security conditions, the assistance agencies operating in the North Caucasus were able in 2006 to capitalize on the improved security environment in Chechnya compared with 2-3 years ago. The United Nations lowered its security rating for Chechnya from Phase V (evacuation) to Phase IV (emergency operations) at the end of July 2006. This has allowed the UN agencies to increase the number of day-missions into Chechnya to about 12 per month - from a maximum of 8 under Phase V...As 2007 approached, the UN is revising its security protocol and taking administrative steps toward the establishment of a UN office in Chechnya...Seven international NGOs now have offices in Grozny.

Notwithstanding those improvements, assistance agencies have faced some operational difficulties in the conduct of their humanitarian and recovery projects in the North Caucasus in 2006. While the security situation has improved over the past two years, the climate of violence continues to place aid workers at risk. Since 2004, at least six local aid workers were abducted in the region. Three of them were later found dead, two were released, and one, detained in 2006, is still missing.

[...] The security situation in the North Caucasus remains unpredictable. While there is a perceptible improvement of the security situation in the Chechen Republic, the neighbouring Republic of Ingushetia continues to record an increased number of incidents of violence and attacks against law enforcement and government authorities. The killing of the important leaders of non-state armed groups or separatist movements has put those groups further on the defensive. However, they still retain the capability to organize well-coordinated strikes against security forces. The pressure mounted by the federal and Chechen security forces on the non-state armed groups, coupled with the recently approved amnesty by the State Duma, may be seen as contributing to the improvement of the security situation in the Chechen Republic.

According to official reports, more than 200 non-state fighters responded to the amnesty call and surrendered before the LEA."

NATIONAL AND INTERNATIONAL RESPONSES

Legal background

IDPs considered "forced migrants" under Russian law

- Internally displaced persons (except as a result of natural or human-made disasters) fall under the category of 'Forced Migrant' as defined in the Law of 19 February 1993
- Forced migrant status is also open to involuntary migrants from former Soviet Republics with Russian citizenship or who could obtain it by virtue of being former Soviet citizens
- The status is primarily meant to facilitate the integration of displaced persons in their new place of residence but does not preclude return

Government of the Russian Federation, 19 February 1993:

Law on Forced Migrants, with amendments of 23 December 2003 (unofficial translation):

Article 1. Notion of "forced migrant"

"1. A forced migrant shall be a citizen of the Russian Federation who was forced to leave his/her place of permanent residence due to violence committed against him/her or members of his/her family or persecution in other forms, or due to a real danger of being subjected to persecution for reasons of race, nationality, religion, language or membership of some particular social group or political opinion following hostile campaigns with regard to individual persons or groups of persons, mass violations of public order.

Taking into account the facts stipulated in point 1 of the present article, the following persons shall be recognised as a forced migrant:

- 1) a citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a foreign state and came to the Russian Federation;
- 2) a citizen of the Russian Federation who was forced to leave the place of his/her permanent residence on the territory of a subject of the Russian Federation and came to the territory of another subject of the Russian Federation.
3. Recognition of a forced migrant shall be also extended to a foreign citizen or a stateless person, permanently staying on legal grounds on the territory of the Russian Federation, who left the place of his/her permanent residence on the territory of the Russian Federation for reasons set forth in Point 1 of the present Article;
4. Recognition of a forced migrant shall be also extended to a citizen of the former USSR, who used to reside on the territory of a former constituent republic of the USSR, who received refugee status in the Russian Federation and lost it, as he had acquired the Russian citizenship, upon availability of factors which prevented him/her from settling down on the territory of the Russian Federation during the time when his/her refugee status was in force."

UNHCR, 31 January 2002:

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

Footnote [7]: "The status of forced migrant does not preclude voluntary return to the former place of permanent residence. Indeed Article 7.2(5) of the Law on Forced Migrants imposes upon local executive bodies the obligation to 'render assistance to a forced migrant at his/her request in the return to his/her former place of residence'." (UNHCR January 2002, para. 11)

See also the full [Law on Forced Migrants](#). The Russian version of the Law on Forced Migrants, as amended in 2003, can be found [here](#).

For the validity of statistics based on the forced migrant status, see "[Populations figures of the Federal and regional Migration Services flawed by inconsistent practices](#)"

National response

The legal framework: the Law on Forced Migrants

- The status of "forced migrant" is granted to the victims of forced displacement within the former Soviet Union
- Beneficiaries receive assistance to their integration, although return can also be supported
- Only non-Chechens displaced by the first conflict in Chechnya have been given the status

In 1993, the state authorities adopted a law on forced migrants, which creates a status for victims of forced displacement following the collapse of the Soviet Union in 1991. According to the law (as revised in 1995), the status is to be granted to both persons who wanted to resettle in the Russian Federation from one of the former republics of the Soviet Union, as well as those Russian citizens who were displaced within the Russian Federation itself. The status of "forced migrant" is primarily meant to facilitate integration in new places of residence, including through the allocation of special allowances, assistance with housing, job placement, loans and related support. However, the status also imposes on local executive bodies to "render assistance to a forced migrant at his/her request in the return to his/her former place of residence." (article 7.2(5) of the law). (UNHCR February 2003, UN CHR 24 February 2004)

The law has been inconsistently applied to people displaced within the Federation as a result of the armed conflicts in Chechnya. Some 162,000 people displaced during the 1994-1996 Chechen conflict were granted the status. Those displaced during the second Chechen conflict from 1999, mostly ethnic Chechens, have been largely excluded from the status. Applications to the status which are based on allegations of mistreatment by federal forces, lost property and "mass violation of public order" were rejected by the migration authorities on the grounds that the anti terrorist operations conducted by the Russian government in Chechnya do not constitute a "mass violation of public order". The authorities also do not consider that the federal forces who conduct such operations commit violations of public order. (UNHCR February 2003) The forced migrant status, which is granted for an initial period of 5 years, is rarely renewed, explaining for the decreasing number of forced migrants in recent years (Ganushkina 2004).

The forced migrant status determination procedure is conducted by the territorial organs of the Federal Migration Service (FMS) under the Ministry of the Interior.

The full text of the [Law on Forced Migrants](#) in Russian is available on the website of Memorial [Internet]. For the English version, see the bibliographical references (under Rossiskaya Gazeta)

Government response to internal displacement (2009)

- Government programme for development of Ingushetia to provide assistance to IDPs there

Government response to conflict and human rights abuses

While President Medvedev has called for an investigation into the murders of human rights defenders and outlined a plan to make the ongoing struggle against militant attacks more effective, there has been virtually no punishment of perpetrators of human rights abuses in the North Caucasus. The European Court of Human Rights has found Russia responsible for human rights violations in more than 100 applications by victims and their families who failed to secure justice in Russia, and while Russia has paid full compensation to the applicants, no one has been held accountable for the crimes and there is still no official and up-to-date database of missing persons and unidentified bodies, nor a policy for exhuming and identifying the bodies found in over 60 mass graves in Chechnya. While large-scale fighting has ended, the conflicts and their consequences have yet to be fully resolved. Moscow declared the Ingush-Ossetian conflict resolved in 2007, and in 2009 announced the end of the decade-long “counter-terrorist” operation in Chechnya. However, reconciliation initiatives have yet to be established for communities affected by either conflict.

Russian responses are focused on the search for appropriate mechanisms to normalise and further stabilise the Northern Caucasus. Currently, these responses follow four tracks:

Improve the manageability of the region and root out insurgent groups;

Strengthen control over the systems of regional governance to overcome the extra-systemic influence of clan networks;

Modernise the economy for the republics to become regular taxpayers instead of financial ‘black holes’; and

Prevent the politicisation of ethnic movements, ethnicisation of political parties, and re-emergence of separatism.

Although, there appears still to be no stated coordinated policy regulating and coordinating political, security and economic responses, a greater level of coordination between different government agencies has been seen over the last two years. Greater coordination between different agencies, along with increased investments by the Russian government in the region, has brought about visible and positive change.

Chechen Presidential decree of 6 December 2007 No. 451 “On additional measures to ensure rights and freedoms of people and citizens in the Chechen Republic” sets out a number of measures relating to human rights. This decree ordered that towns and districts establish local councils to assist administrations in promoting human rights observance. The decree also made a number of recommendations to the Chechen Ombudsperson: that he support people in Chechnya to realize their constitutional rights, hold regular meetings with NGOs, conduct monitoring of human rights and publish the results in Chechen media. The decree also stated that officials bear personal responsibility for human rights violations.

Government promotion of return

As for returnees, the government reported that some 255,000 people returned to Chechnya from 1999 to 2009 and over 25,000 people have returned to North Ossetia since 1994 with

government assistance (Government of the Chechen Republic, 24 March 2009). Up to 60 per cent returned to their former homes or apartments, and the rest to live with relatives (Government of the Chechen Republic, 27 March 2009). Some returnees were displaced again within Chechnya to worse living conditions in their area of second or third displacement. Some IDPs from North Ossetia have remained displaced as their original homes are now located within a restricted “water conservation zone” or areas prone to flooding, though the government has offered some of these IDPs land plots in another settlement in Prigorodny district. IDPs have also been progressively de-registered from the FMS assistance lists, and sometimes have been put under pressure to return. In Chechnya the government de-registered the remaining recipients of assistance in 2007, and in Ingushetia, the remaining 3,100 recipients were de-registered in 2009. FMS representatives visited Chechnya and Ingushetia to monitor the situation of IDPs in early 2009, but their conclusions were not made public. In 2009, the FMS terminated contracts with 22 hostels in Ingushetia on the basis of an agreement between the presidents of Chechnya and Ingushetia to return IDPs to Chechnya. Local authorities subsequently passed a decree for the closure of these hostels. In contrast, there has been no pressure on IDPs from North Ossetia to leave Ingushetia, though the authorities have not actively promoted their integration.

Government provides housing

The government has offered various housing options to IDPs leaving the hostels in Chechnya. These include apartments and land plots, and also funds to pay rent with and a letter of guarantee for receipt of a dwelling from the municipal housing stock. In 2008, over 3,000 people or almost 700 families received a housing option, with over half of those also receiving 18,000 roubles (\$570) to cover rent for six months, 2,000 roubles (\$65) for transportation and a letter of guarantee for receipt of a government dwelling. However, only seven families received apartments based on the letter of guarantee by mid-2009. In rural areas, IDPs were moved into hostels or given land plots since funds were not available for reconstruction of houses or provision of facilities. Local administrations do not have enough resources to address housing needs in the rural areas or to provide employment to people who relocated into these areas. Federal bodies proposed in 2008 the establishment of a new mechanism to provide housing to people dispossessed as a result of the conflict in Chechnya, but no progress had been reported by 2009. A special targeted economic programme for Ingushetia will be adopted in July 2009 with 29 billion rubles currently earmarked for the most urgent needs and for structural development. This programme will also cover durable solutions for IDPs residing in Ingushetia.

Government pays out property compensation

Overall some 57,000 people had received compensation in Chechnya by mid-2009. The number who had received compensation outside of Chechnya was not available. The Ombudsman’s office in Chechnya has highlighted several inadequacies in the property compensation schemes (ODI, 28 February 2009), and the head of the republic’s parliament has repeatedly ordered officials to speed up compensation payments (President and Government of the Republic of Chechnya, 2 February 2009 and 10 April 2009). One positive development is that applicants no longer need to include their residence registration for the property destroyed in their application for compensation (President and Government of Republic of Chechnya, 2 February 2009). The Constitutional Court ruled in October 2008 that not being registered as resident in housing before its destruction could not serve as a basis for depriving an applicant of the right to social protection (Constitutional Court, 6 October 2008). While a press release on the issue was posted on the Chechen government website, it is unclear whether information on this has been disseminated to the public. People with housing destroyed as a result of the conflict in North Ossetia are entitled to state assistance for housing and over 1,000 IDP families have received this assistance since March 2005.

International response

International assistance oriented towards development and sustainability (2009)

The role of international humanitarian organisations has decreased significantly in recent years due to diminished funding, the changing needs of the beneficiaries and government policy aimed at scaling back international humanitarian operations in the North Caucasus (FEWER, 26 June 2009). Donors had committed or pledged only about \$8 million in mid-2009, compared to almost \$25 million in 2008 (Relief Web, 7 September 2009). Some of the main donors are ECHO, the Netherlands embassy, Governments of Japan, United States and Sweden. In 2009, DG ECHO will continue its phase out by concentrating only on the remaining needs, by reducing the number of its partners and by reducing the funding given in 2008 by 45%. The strategy to phase out from the Chechen context foresees that DG ECHO would leave Chechnya by the end of 2010, i.e. at the end of the projects funded by the 2009 decision. An assessment will be done though to secure that the most important needs have been covered at the end of the decision.

International NGOs present in the North Caucasus include ACF, Caritas, DRC, Hammer Forum, Handicap International, HELP, IMC, IRC, MDM, Nonviolence International, SDC, World Vision and they work in development, humanitarian assistance, human security, human rights and conflict prevention. UN agencies include FAO, ILO, UNDP, UNHCR, UNICEF, WHO, WFP. The ICRC is also present. Most of the UN and NGO actors in the North Caucasus seem to agree that local NGO capacity building and support will be critical after humanitarian aid is phased out and development is fully taken over by Russian government institutions. In 2006, the UN and its NGO partners began to change their focus from emergency to development activities in the North Caucasus, while continuing to acknowledge that the conflict-affected population still needs humanitarian support. UN OCHA closed its office in Russia at the end of 2007.

International organisations providing assistance to IDPs in the North Caucasus include UNHCR, UN Children's Fund, UN Development Programme, World Health Organization, Food and Agriculture Organization, International Committee of the Red Cross, Swiss Agency for Development and Cooperation, International Rescue Committee, World Vision, the Danish Refugee Council and the International Medical Corps. Local NGOs including the Caucasian Refugee Council, Memorial, Nizam and Vesta also target IDPs in their work. Between them they provide legal counselling, housing, income-generation opportunities, agriculture support, infrastructure reconstruction, school meals and medical assistance in addition to general monitoring and support for local NGO capacity strengthening. UNHCR is an observer on the "Public Council on Safeguarding of Rights and Freedoms of People and Citizens of the Chechen Republic" in Grozny and at the district level.

UNICEF and World Bank started a joint 2.1 million project in the North Caucasus that addresses the needs of vulnerable youth. The project targets young people aged 14 to 25. Special attention will be paid to young women since their opportunities to take part in social activities outside of school and family are often very limited, particularly in more traditional rural areas, where the average age of marriage and childbearing is low. The project will establish education/recreation centres to provide life skills, information technology and other employment related training and organize leisure activities for adolescents and youth. A special fund will award grants and assist with small and medium business development while peace and tolerance program will bring young people of different ethnic and cultural backgrounds together through organizing of roundtables, conferences, and summer camps. UNHCR is also leading a project with UNDP, ILO and FAO funded by the Government of Japan and the United Nations Trust Fund for Human Security (UNTFHS). This project addresses sustainability through building the capacity of key

government authorities in North Ossetia to deliver socio-economic recovery, sustainable livelihoods and permanent shelter for the displaced.

European institutions have also remained engaged on IDPs and human rights in Russia. In mid-2009 the Council of Europe adopted a recommendation on IDPs in Europe. It called on member states with internally displaced populations, such as Russia, to fully respect the right of IDPs to voluntarily choose their settlement location, to more vigorously pursue reconciliation processes, find adequate housing solutions for the most vulnerable IDPs and monitor the sustainability of their return, settlement and relocation elsewhere (CoE, 24 June 2009). Also in 2009, the Council of Europe's anti-torture committee visited the North Caucasus for the eleventh time, and the Commissioner for Human Rights visited Ingushetia and Chechnya following the killings of human rights activists. The European Union is still the leading donor in the North Caucasus and has held multiple consultations with Russia on human rights and a new Partnership and Cooperation Agreement. The European Parliament has recommended that the renewal of the Agreement should be used as an opportunity to press for an improvement of the human rights situation in the country (European Parliament, 2 April 2009) and have an operable human rights clause (European Parliament, 1 October 2009). The European Parliament has also passed a number of resolutions on human rights and the rule of law in Russia and held public hearings and events on the same issues.

Need for increased donor attention (2009)

- International response to the situation in the North Caucasus has been diminishing in the face of the strong Russian economy
- The Russian government has obstructed the ability of donors to engage
- Increased donor attention is needed in the areas of security and human rights
- The population still needs assistance with livelihoods and in many cases, basic necessities

FEWER, 26 June 2009:

"A number of donors (e.g. the US, UK, Sweden) began to wind down and withdraw their humanitarian assistance following rapid economic growth in Russia before the crisis. But now Russian budget income has fallen over 40%."

ECHO, 15 May 2009:

"(1) The Chechnya conflict has led to an outflow of internally displaced persons (IDPs) into the neighbouring Republics of the Russian Federation. Today, most have come back to Chechnya but Ingushetia and Dagestan still host IDPs. And there are still displaced people in the region at large, notably in Azerbaijan.

(2) The violence has provoked the displacement of people within Chechnya, many of whom remain unable to return to their land because their home has been destroyed, by fear or by lack of sufficient economic resources.

(3) Years of displacement and the persistently volatile security situation in the region have exhausted the economic resources and severely traumatized the affected population.

(4) The conflict has widely disrupted the socio-economical infrastructure, medical services and agricultural production in large parts of Chechnya. Reconstruction and rehabilitation have started and improvements are visible. However, despite the number of years elapsed since the end of the second conflict, most vulnerable groups of the population are still in need of multi-sectoral assistance.

(5) The situation can be qualified as a forgotten crisis, to which few institutional donors are responding."

ODI, 28 February 2009:

"There is consensus among international humanitarian agencies that the humanitarian crisis of the late 1990s and early 2000s is over, and that the situation in Chechnya is moving into the recovery and development phase. At the request of the Russian government, the last UN Consolidated Appeals Process (CAP) was in 2005. A Transitional Work Plan was developed in 2006, which supplemented humanitarian assistance and protection with recovery activities. A similar planning process was undertaken in 2007, but at the request of the Russian government this was not implemented. Funding for emergency relief has been significantly reduced, with a corresponding reduction in humanitarian response. DRC's relief beneficiaries in Chechnya and Dagestan fell from a peak of 500,000 to 100,000 in 2006 and 20,000 in 2007. This is being progressively reduced to zero in early 2009. These figures mirror the approach of other agencies: ICRC stopped its relief programming in 2007, and water and sanitation assistance will finish this year. WFP ended food relief in 2008.

ECHO's assistance will end in 2010. Although UNHCR has no specific plans to withdraw, it too recognises that a transition is under way, and believes that, in the future, the vulnerability of IDPs will reflect that of the wider community. Whilst USAID, the World Bank and UNDP are all active in the region, their development plans for Chechnya are not clear. Despite the downscaling of the humanitarian response, the severity of the suffering and destruction brought about by the two waves of conflict in Chechnya still overwhelm the response by the federal and republican authorities and the international community. This poses a dilemma for aid actors. On the one hand the Russian Federation is a rich, aid-donating country, with membership of both the G-8 and the UN Security Council. On the other, clear needs remain in Chechnya. A large proportion of the population have restricted livelihoods options and face threats to their political freedoms, while the worst affected continue to require assistance to meet their basic needs..."

CSIS, 30 September 2007:

"Increased donor attention to the varied regions within the North Caucasus is an urgent security and human rights imperative. To date, the Russian government has greatly complicated, and often restricted, the ability of donors to engage in this region. At the same time, the international community has been plagued by ambivalence in responding to needs on the ground...For well over a decade, the North Caucasus has been the site and source of rising levels of violence, instability, and terrorism...This perilous situation has led many policy makers and the wider donor community inside and outside Russia to conclude that little can be done to help increase security and stability in the region. The international response has often been deeply conflicted, ambivalent and ineffectual."

Suggestions to improve human rights and security in the North Caucasus (2007)

- Senior representatives from international organisations, governments and NGOs on Russia developed 49 steps to improve the situation in the North Caucasus

CSIS, 30 September 2007:

1. Encourage and Assist the Convening of a Series of Conferences on Chechnya and the North Caucasus
2. Support the Creation of an International Working Group on the North Caucasus
3. Convene a Meeting with Members of the International Conflict Resolution Community
4. Launch a Diplomatic or Elder Statesmen Initiative
5. Reframe the Discussion on Chechnya to Focus on the Security Implications of Abuse and Impunity
6. Convene a Meeting on Scenario Building
7. Create a Truth and Reconciliation Commission

8. Convene a Donors Conference
9. Increase Donor Allocations for Human Rights and the Rule of Law
10. Develop Next Generation Programs..."

This publication outlined 49 steps to improve the situation in the North Caucasus.

UN experts identify "cycle of impunity" (2009)

UN, 21 July 2009:

"Seven UN human rights experts* reiterate their request to the Russian authorities to extend an invitation to visit the country to assist the authorities in conducting an independent investigation into a series of killings of human rights defenders, lawyers and journalists in recent years, many of them related to the human rights situation in Chechnya and other Republics of the North Caucasus, including the latest killing of Natalia Estemirova.

The experts acknowledged the expressions of outrage and assurances by the Russian leadership that all necessary steps will be taken to apprehend and punish Estemirova's killers. "However, these assurances will be worth little unless the authorities take steps that go beyond what has been done in the past, which has all too often led to a cycle of impunity", said Tuesday a group of UN independent human rights experts in a joint statement.

"We offer our assistance to the Russian authorities in light of the failure to effectively and impartially investigate the killings and attacks on a number of human rights defenders in recent years and to prosecute and bring the perpetrators to justice", said the experts. "This would break the cycle of prevailing impunity surrounding the killings of other high profile human rights defenders and contribute to the prevention of further violence and harassment against human rights defenders", added the experts.

The independent experts also reminded that "the Government of the Russian Federation has a prime responsibility under international human rights instruments to ensure the protection of human rights defenders against any violence, threats, retaliation, pressure or any other arbitrary action as a result of their human rights work."

See also [UN experts offer help in investigating killings of rights defenders](#), UN News Service, 21 July 2009.

Recommendations from UN delegations at the Universal Periodic Review (2009)

- UN delegations that raised human rights issues in the North Caucasus at the Universal Periodic Review of Russia include France, the Netherlands, the United Kingdom, Australia, Denmark and Norway

UN HRC, 3 March 2009:

"18. France asked about the reform of the penitentiary system, improvement of prison conditions and when the visit of the Special Rapporteur on torture to North Caucasus will take place. It noted that freedom of assembly and expression is not guaranteed for homosexuals and enquired what measures the Government intended to take in that regard. Referring to the murder of four journalists from Novaya Gazeta, it recommended taking all possible measures to combat the resurgence of such crimes and bring the perpetrators and their masterminds to justice; becoming a party to the Rome Statute of the International Criminal Court (ICC); and extending a standing invitation to United Nations special rapporteurs..."

20. The Netherlands noted the rulings of the European Court for Human Rights on cases involving human rights violation in the Northern Caucasus and commended the authorities for their commitment to execute those rulings and the judicial reform. However, the rulings seemed to lay bare a shortcoming in the justice system. It recommended strengthening the ongoing efforts to reform the justice system according to international standards. The Netherlands noted that cases of killing and harassment of journalists are rarely solved. It recommended taking further measures to improve journalists' security and ensure that violations of their rights were fully and promptly investigated and that any one found responsible was brought to justice according to international standards. The Netherlands noted concerns about a rising trend of extremist violence and hate crimes, especially against minority groups, including migrants and gay, lesbian, bisexual and transgender/transsexual people. It recommended considering a comprehensive approach and specific programmes to combat racist attacks and discrimination, especially with regard to the vulnerable position of migrants. In this light it would be recommendable to revise the Law against Extremism so as to clarify the definition of extremism. The Netherlands recommended considering a review of the NGO law taking into account, inter alia, the concerns expressed by United Nations rights bodies.

23. Austria, noting the concern of the Special Representative on the situation of human rights defenders that registration laws may aim to stifle criticism and limit civil-society movements and asked about follow-up in that regard. It recommended creating an environment, inter alia through a legislative framework, that promotes rather than restricts the right to freedom of assembly and that encourages citizens to express their diverse views.

28. Nicaragua noted legislative advances, including the adoption of laws aiming at improving the situation of minorities, particularly indigenous people and internally displaced persons. Noting Russia's expressed will continue working towards judicial reform, it recommended continuing along those lines with a view to having modern legislation which adapts to new challenges.

31. Turkey noted the efforts made in favour of vulnerable groups, including internally displaced persons (IDPs). It noted the signing of the Convention on the Rights of Persons with Disabilities and requested information on policies to protect such persons. Turkey recommended taking further necessary measures in fighting extremism. It praised the efforts made to reduce poverty.

36. The United Kingdom welcomed the agenda of strengthening of the rule of law. It expressed concern about media freedom, safety of journalist, racism and xenophobia, the penal system, restrictions on civil society, and on threats to human rights defenders. It expressed concern about ongoing extra-judicial killings, torture, abduction and arbitrary detention in the North Caucasus. It recommended to provide access to Ingushetia for the United Nations Working Group on enforced disappearances and the Special Rapporteurs on torture and extrajudicial, summary or arbitrary executions; ratify the OP-CAT; respect and protect the ability of human rights defenders and lawyers to carry out their work without hindrance, intimidation or harassment, in line with the United Nations Declaration on Human Rights Defenders and the United Nations Basic Principles on the Role of Lawyers...

55. Australia welcomed indications that the rule of law is becoming an increasingly important tool in the protection of human rights in Russia and recommended to take steps to further improve judicial procedures to safeguard human rights. It further recommended to take steps to implement the Russia's national anti-corruption plan in relation to judicial procedures and adopt measures that corruption of judicial procedures is decreasing. In relation to the issues of vulnerability of journalists and human rights defenders, particularly, the recent deaths of human rights lawyer Stanislav Markelov and journalist Anastasia Baburova, Australia recommended to take measures to protect journalists and other human rights defenders. It also recommended to

address the concerns expressed by the High Commissioner for Human Rights about the use of torture in the Chechen Republic as well as concerns raised by the Committee Against Torture over many ongoing and consistent allegations of torture and ill-treatment committed by law enforcement personnel as well as reports of torture and ill-treatment in unofficial places of detention in the North Caucasus. It further recommended to accede to the Second OP-ICCPR and to eliminate use of the death penalty...

59. Denmark while noting CAT's concern on allegations of torture and that Special Rapporteur on torture was not been able to visit North Caucasus under usual terms of operation, asked how Russia is addressing the issue. Denmark recommended that the Government steps up its efforts to combat torture, inter alia, by effectively addressing the concerns of CAT; and extend a recommendation to the Special Rapporteur on torture to visit North Caucasus under his usual terms of operation. Denmark noted concerns regarding the rights of indigenous communities from the North, Siberia and the Far East, as highlighted by CERD. It asked for more information and recommended that Russia implements the recommendations raised by CERD as to how to improve the situation of the indigenous communities...

61. Norway appreciated the high level of cooperation with the United Nations Human Rights system and strongly noted that human rights defenders play an important role on fostering a culture of human rights. It remained concerned about the vulnerable situation of human defenders, journalists and lawyers working in the defence of human rights. Norway recommended that crimes and violations against human right defenders and journalists are effectively investigated and prosecuted, and that those responsible are punished. Complaints of harassment of human rights defenders must receive a prompt response and adequate measures for their safety should be taken. It further recommended the Government to adopt appropriate measures to disseminate widely and ensure full observance of the Declaration on Human Rights Defenders. The UDHR, as well as all other human rights standards, should in particular be made available to schools and institutions of higher education. While noting that the number of involuntarily disappearances has decreased in Chechnya, Norway remained concerned about the increased number of involuntarily disappearances in Ingushetia and the human rights conditions in North Caucasus. Norway appreciated that Russia has agreed in principle upon a visit by the Working Group on enforced or involuntarily disappearances, and recommend that this visit takes place within 2009. Norway welcomed the leadership demonstrated by Russia in the preparations for the Durban Review Conference. At the national level, Norway encouraged Russia to take further steps to fight discrimination and to make sure that perpetrators of racist and hate crimes be held duly responsible for their crimes...

64. In response to the statements made, Russia noted that...

66. Concerning the issue of death of journalists and violence against human rights defenders the delegation informed that since 2004 the law on the state protection of participants of the criminal procedures has been enacted. This law applies to individuals, specifically, journalists who have informed that there is a threat to their lives and who need security protection. A set of extra measures has been developed in order to improve protection. In 2006-2007, 90% of crimes related to murders of journalists convictions were achieved. In three quarters of these cases a large number of crimes committed are not directly related to journalistic activities of individuals involved. The cases related to murders of Anna Politkovskaya, Akatov, Zimin and Eloev have been brought to the court. Murders of Markelov and Baburova committed in 2009 are investigated on priority basis. Concerning the issue related to kidnapping of people in Chechnya, the delegation noted that in March 2007 a comprehensive programme was adopted combating the kidnapping of persons and seeking disappeared people. In the last few years the number of violent kidnapping of persons has been constantly decreasing, in many cases kidnappings were committed to extort money."

Recommendations from the United Nations treaty bodies (2008)

- In 2008, UN CERD issued concerns regarding ethnic Chechens, including IDPs, and made recommendations concerning identity checks, hate speech, racially motivated violence and IDP return
- Also in 2008, the Special Rapporteur on the independence of judges and lawyers recommended improvements to the transparency and independence of the judicial system

UN HRC, 22 December 2008:

13. In 2008, CERD noted that ethnic minorities such as Chechens, other persons from the Caucasus and Central Asia, as well as Roma and Africans, continue to be subjected to disproportionately frequent identity checks, arrests, detentions and harassment by law enforcement officers.³⁴

14. CERD recommended that the State intensify efforts to combat ethnically motivated hate speech.³⁵

15. CERD was concerned about reports that the police is often reluctant to grant residence registration to Chechens...

24. In 2006, CAT was also concerned at numerous, ongoing and consistent allegations that abductions and enforced disappearances in the Chechen Republic, in particular during antiterrorist operations, are undertaken by or at the instigation of or with the consent or acquiescence of public officials, and at the failure to investigate and punish the perpetrators.⁵³ The Working Group on Enforced or Involuntary Disappearances transmitted a communication to the Government on allegations that many enforced disappearances are perpetrated by federal troops in Chechnya.⁵⁴ The Working Group noted that allegedly between 3,000 and 5,000 persons have disappeared since 1999.⁵⁵ Those detained are reportedly ill-treated and eventually killed. No reply was received from the Government regarding this allegation.⁵⁶ In 2007, the Working Group was deeply concerned about new cases that continued to occur in the Russian Federation, and encouraged the Government to take steps to clarify outstanding cases, including the large number of unresolved cases arising from the conflicts in the Northern Caucasus.⁵⁷ In 2008, The Working Group continued to be concerned about the suspension of investigations in disappearance cases.⁵⁸ In 2005, CRC was also concerned about reported cases of arrests and disappearances by security agents of young persons suspected of being associated with insurgency groups...

25. CRC was concerned that there has been limited identification and marking of mined areas, or efforts to clear mines in Chechnya and the Northern Caucasus.⁶⁰

26. In 2006, the Special Rapporteur on violence against women noted that while violence against women occurs mainly in the home, women are reportedly exposed to multiple forms of violence in society at large, including trafficking; rape; sexual harassment; violence within the context of the military operations in the North Caucasus; and violence in prison...

37. In 2005, the High Commissioner for Human Rights noted that law enforcement officers abuse their powers with impunity and that civilians have no effective remedies for violations of their rights by State agents. The Working Group on Enforced or Involuntary Disappearances also noted in 2006 that the practice of disappearance in Chechnya occurs in an overall climate of impunity...

41. In 2006, the Special Representative of the Secretary-General on the situation of human rights defenders was concerned that the situation of defenders seems to be increasingly vulnerable, and that defenders as well as their families reportedly are in almost constant danger both from

State actors and non-State actors.⁸⁵ She remained gravely concerned particularly regarding lawyers working for the defence of human rights and journalists who seek to document human rights violations.⁸⁶ The HR Committee had already expressed its concern at the high incidence of harassment, violent attacks against and murders of journalists.⁸⁷ The United Nations Information Centre (UNIC) informed that the insecurity of journalists remained a real danger to freedom of the press in the Russian Federation.⁸⁸

42. In 2008, the Special Representative of the Secretary-General on the situation of human rights defenders called on the Government to proceed with thorough impartial investigations of the killing of the journalist Anna Politkovskaya and the other cases of threats and assaults of journalists.⁸⁹

The High Commissioner for Human Rights had previously stated that such an action would send a clear message against impunity and for the protection of human rights defenders.⁹⁰

The Special Representative expressed grave concerns regarding the psychiatric treatment of human rights defenders following their detention and urged the Government to cease any involvement it may have in such cases.

43. The Special Representative expressed most serious concern regarding registration laws and regulations which may have as their sole objective the stifling of criticism and the curbing of civil society movements.⁹² CAT was also concerned at the entry into force on 17 April 2006 of the law governing the activities of non-commercial organizations, which expanded the State's discretion to interfere in and severely hamper the activities of NGOs...

55. In 2003, CESCR called upon the Russian Federation to guarantee that timely and adequate compensation is duly provided to all persons whose property has been destroyed during the military operations in Chechnya...

68. CERD was concerned about reports that IDPs from Chechnya are sometimes pressured to return and to relocate from temporary accommodation centres in Ingushetia and Grozny, and that IDPs within Chechnya are not eligible for, and those outside Chechnya are sometimes denied, forced migrant status.¹³²

69. A 2007 UNHCR report informed that the security situation in the Northern Caucasus remains volatile, and that both IDPs and returnees continue to rely on humanitarian assistance and protection. In Chechnya, however, the needs of people of concern to UNHCR could not be met by humanitarian assistance alone and recovery-oriented support was required to sustain the reintegration of the displaced...

75. The 2004-2007 UNDP Country Programme informed that conflict in the North Caucasus continued to jeopardize human rights and development in the region."

UN CERD, 20 August 2008:

"12. The Committee notes that article 286 of the Criminal Code criminalizes violations of rights and lawful interests of individuals and organizations committed in an official capacity while exceeding official powers. It is nevertheless concerned that, despite this provision, ethnic minorities such as Chechens and other persons originating from the Caucasus or from Central Asia, as well as Roma and Africans, reportedly continue to be subject to disproportionately frequent identity checks, arrests, detentions and harassment by the police and other law enforcement officers (arts. 2, para. 1 (a), 5 (b) and 5 (d) (i)).

The Committee recommends that the State party take appropriate action, including disciplinary or criminal proceedings, against public officials who engage in racially selective arrests, searches or other unwarranted acts based solely on the physical appearance of persons belonging to ethnic minorities, provide continuous mandatory human rights training to police and other law

enforcement officers to prevent such profiling, and amend the performance targets for the police accordingly. In this connection, the Committee draws the attention of the State party to general recommendation 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system.

[...]

16. While acknowledging the State party's efforts to combat incitement to racial, ethnic and religious hatred in the media and, albeit to a more limited extent, in political discourse, the Committee notes with concern the increase in the number of racist and xenophobic statements in the media, including in mainstream media and publications by established publishing houses, on the internet, and in the discourse of public officials and political parties, targeting ethnic minorities such as Chechens and other persons originating from the Caucasus or from Central Asia, Roma, Africans, as well as ethnic minorities of Muslim or Jewish faith (arts. 4 (a) and (c)).

The Committee recommends that the State party intensify its efforts to combat ethnically motivated hate speech in the media, on the internet and in political discourse, by publicly condemning such statements, imposing adequate sanctions for publicly making racist statements, making full use of official warnings under articles 4 and 16 of the Federal Law on the Means of the Mass Media, and by closing, if appropriate, any media outlets inciting to racial hatred. It also recommends that the State party effectively cooperate with third States from where Russian-speaking internet sites operate, and that it train judges, procurators, the police and law enforcement officers on the application of article 282 of the Criminal Code and other relevant criminal law provisions.

[...]

18. While noting with appreciation the explanation given by the Head of the Russian delegation concerning the root causes of racist and xenophobic attitudes among parts of Russian society, the Committee is nevertheless gravely concerned about the alarming increase in the incidence and severity of racially motivated violence, especially by young persons belonging to extremist groups and, in some cases, by extremist elements of Cossack organizations, against Chechens and other persons originating from the Caucasus or from Central Asia, Roma, Meshketian Turks, Muslims, Africans and other ethnic minorities (art. 5 (b)).

The Committee recommends to the State party to further intensify its efforts to combat racially motivated violence, including by ensuring that judges, procurators and the police take into account the motive of ethnic, racial or religious hatred or enmity as an aggravating circumstance in any proceedings under the criminal law provisions mentioned in paragraph 3 above, and to provide updated statistical data on the number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims.

[...]

21. While noting the information from the Russian delegation concerning the considerable number of internally displaced persons (IDP) who have returned to the Chechen Republic and the substantial funds allocated to facilitating their return, the Committee is nevertheless concerned about reports that IDPs from Chechnya are sometimes pressured to return and to relocate from temporary accommodation centres in Ingushetia and Grozny, and that IDPs within Chechnya are not eligible for, and those outside Chechnya are sometimes denied, forced migrant status (art. 5 (d) (i) and 5 (e) (iii)).

The Committee recommends that the State party ensure that internally displaced persons from Chechnya are not pressured to return to their preconflict places of residence if they fear for their personal safety, that returnees who are relocated from temporary accommodation centres in Ingushetia and Grozny are provided with adequate alternative housing, and that all IDPs are granted forced migrant status and the related benefits.

22. While noting that Federal Act No. 5242-1 of 1993 on Russian citizens' rights to freedom of movement, choice of address and place of residence in the Russian Federation provides that registration shall not constitute a precondition for the exercise of citizens' rights, the Committee is concerned about reports that, in practice, the enjoyment of many rights and benefits depends on registration, and that the police is often reluctant to grant residence registration to Chechens and other persons originating from the Caucasus, Roma, Meshketian Turks, Yezidis, Kurds and Hemshils in Krasnodar Krai, Tajiks, non-citizens from Africa and Asia, as well as asylum-seekers and refugees (art. 5 (d) (i)).

The Committee recommends that the State party carefully monitor the implementation of its system of residence registration, sanction officials who deny registration on ethnically discriminatory grounds, and provide effective remedies to victims, with a view to eliminating any discriminatory impact of the registration system on ethnic minorities.

[...]

25. The Committee is concerned about reports that non-citizens and ethnic minority workers are often subject to exploitative conditions of work as well as discrimination in job recruitment (art. 5 (e) (i)).

The Committee recommends that the State party intensify its efforts to protect non-citizens and ethnic minority workers against exploitative work conditions and discrimination in job recruitment, e.g. by providing effective remedies for victims and by training judges and labour inspectors on the application of articles 2 and 3 of the Labour Code."

UN, 29 May 2008:

"On this basis, and before the submission of his full report, the Special Rapporteur [on the independence of judges and lawyers] advances the following preliminary recommendations related to measures for improving the functioning of the judicial system:

- Given the urgent nature of the need to resolve the problems identified above, full support should be given to the new working group on judicial reform and the recently created anti-corruption council. All pertinent parties whose interests may be affected by the work of these bodies should be fully involved in their activities.
- In tackling the problems facing the judiciary it is crucial to ensure transparency of legal proceedings and the functioning of the judicial system as a whole. In fact, this has been recognised by judicial authorities at different levels.
- Mechanisms for the rapid and comprehensive execution of judicial decisions should be established promptly.
- The existing procedures for providing free qualified legal assistance should be reviewed and best practices should be implemented throughout the country.
- The draft law on the establishment of a juvenile justice system should be adopted without delay.
- Renewed efforts should be taken to establish an administrative court system as this will strengthen the mechanisms to effectively fight corruption and to ensure the liability of state officials.
- As regards the prosecution, there is a need to analyse the results of the recently introduced reforms and their impact on the conduct of the investigation and judicial proceedings in general.
- The recently proposed amendments to the 2002 Federal law governing the activities of defense lawyers would compromise the principles of self-government and independence of the bar and, therefore, must not be adopted since they will run against existing international standards.
- Efforts should be made to ensure that lawyers can exercise their profession without intimidation or any other obstacles.
- The legitimate activities of non-governmental organisations, including their participation in the process of judicial reform, should be encouraged and facilitated."

UNHCR, 30 June 2007:

To the authorities in Chechnya:

Extend the process of reconstruction to all areas of the republic to respect the will of IDPs to freely choose their place of return;

Adopt a gradual approach to the TACs/TSSs closure, and consider the results of this survey to prioritise the timing/order of TACs/TSSs closure after having identified permanent shelter solutions for the TACs/TSSs residents;

Intensify initiatives of land allocation with developed infrastructures and of complementary shelter support, in particular for the newly created families and in general for those IDPs and returnees who never had properties;

Guarantee full access and use of the land-plots recently allocated to former TACs/TSSs residents by providing the granted land with adequate infrastructures;

Match the promotion of the return of IDPs from Ingushetia and of refugees from abroad with the provision of sufficient alternative accommodations in Chechnya for returnees lacking their own dwelling and with the support for shelter rehabilitation programmes for returnees owning destroyed dwellings;

Ensure alternative temporary accommodations at least for a first period upon return;

Resume and speed up the process of compensation;

Ensure that hindrances in property-related administrative and judicial processes (e.g. compensation payments, resolutions of legal disputes over contested properties/documentation) are minimised and that property-related processes implemented by the Government are fair and transparent;

Utilise this survey by adopting approaches which take into consideration the availability of property for construction and the level of shelter destruction reported by each family in the surveyed population;

Integrate efforts with the humanitarian/development actors to find synergies that can have a positive impact on the overall research of solutions for returnees and IDPs;

To the authorities in Ingushetia:

Design a federally-approved programme to support the local integration of the residual IDP population in Ingushetia, both the 25% surveyed as still present in TSs and willing to remain in the republic and the segment residing in private accommodations;

Adopt a gradual policy in discontinuing the contracts for the maintenance of TSs and continue to ensure adequate living conditions for the residual IDP families until permanent housing solutions are available in Ingushetia or in Chechnya;

Respect principle voluntary return and continue to work with the Chechen authorities to facilitate the return only upon the realisation of concrete solutions to the accommodation problem of the returning population;

Tackle the problem of IDPs with no properties but willing to integrate in Ingushetia through a policy of allocation of land with infrastructure and of support to individual shelter construction, with a particular attention to families – including newly created ones - who may not have other coping mechanisms;

Provide adequate infrastructure to those areas where land allocation initiatives to facilitate local integration have been carried out in the past (e.g. Berd Yourt) to allow the completion of housing construction and the permanent residency of the integrating families;

Acknowledge that the ongoing process of de-registration of families from State/Migration

Service assistance lists is leaving “out of the records” a sizeable number of families that may still have specific needs and plan for their inclusion in programmes of social support for destitute people;

Integrate efforts with the humanitarian/development actors to find synergies that can have a positive impact on the overall research of solutions for returnees and IDPs;

To Shelter Agencies including UNHCR:

Use the findings of the survey to guide the 2007 shelter programmes, in particular for the selection of areas and of beneficiaries.

Within the framework of the North Caucasus-based Shelter Working Group, continue to define common strategies and share information/data and approaches to maximise the impact of the residual housing programmes implemented in the region by the actors of the Working Group, which will likely be terminated at the end of 2008.

Within the framework of the North Caucasus-based Protection and Shelter Working Groups, continue to advocate for a stronger commitment of the federal, regional and republican authorities to assure durable solutions for IDPs, through material assistance (shelter and income-generation) as well as through the strengthening of mechanisms to guarantee the full realisation of civil, social and economic rights."

UN HRC, 30 May 2007:

"46. The dissemination of racist and xenophobic ideas and stereotypes by an increasing sector of the media is contributing to portraying a negative image of certain communities and fostering feelings of intolerance and xenophobia within the population. Racist and xenophobic messages are said to be openly disseminated both by mainstream and "specialized" media, despite the reinforcement of criminal law provisions in this field, and can particularly be found in the association of Roma and Tajiks with drug trafficking and organized crime, Caucasians - in particular Chechens - with extremism and terrorism, or immigrants in general with unemployment of Russians, criminality and social precarity. There would be more than 100 newspapers regularly using a highly virulent hate speech and instigating racial hatred against foreigners, at least seven publishing houses with links to extremist movements that would support the publication of revisionist literature, and over 800 websites of extremist orientation, which would give open space to leaders of neo-Nazi or extreme right organizations.

[...]

48. With the situation in Chechnya, the attribution of several attacks in the territory of the Russian Federation to Chechen groups, the generalization of the association between Caucasians and terrorism and extremism - particularly by extreme right political parties, the media and to a certain extent the Russian authorities - and a general trend of islamophobia, Caucasians and Central Asians have, according to civil society organizations, become major victims of manifestations of racism, discrimination and xenophobia.

49. In the view of civil society organizations, these manifestations are particularly acute in the fields of law enforcement and administration of justice. In this regard, Caucasians - in particular Chechens - and Central Asians - notably Tajiks, Uzbeks, Kazakhs and Kyrgyz - would particularly be subjected to various forms of racial profiling, in particular, racially selective inspections and abusive identity checks,¹⁶ forcible entrance into premises, searches of firms, fabrication of criminal accusations by law enforcement officials and arbitrary refusal of residence registration stamps. In a context of increasing intolerance and suspicion against Muslims, manifested in many cases by the profanation of Muslim graves and attacks on mosques, Caucasians and Central Asians would also be major targets of discrimination in the housing and employment sectors.

[...]

51. In the months that followed the visit, the Special Rapporteur was informed by human rights organizations of manifestations of growing intolerance and hostility towards Caucasians, particularly Chechens, in the city of Kondopoga, in the Republic of Karelia, during the first days of September 2006, and towards the Georgian community, following the arrest in Georgia of four Russian military officers on 27 September 2006. The Special Rapporteur intends to follow up on the allegations received.

[...]

71. Racism, xenophobia and discrimination in the Russian society are of a profoundly historical and cultural nature, as illustrated by pogroms, deportation and displacement of entire communities, particularly against Jews and members of other ethnic minorities, which date back to the Russian Empire and the Soviet Union. Even if modern forms of islamophobia are related to post-Soviet political independence developments in the Caucasus, particularly in Chechnya,

Islam, as other non-Orthodox religions and spiritual practices, were long persecuted and repressed in the Soviet Union."

UN CAT, 6 February 2007:

"Violent attacks on human rights defenders

22. The Committee is concerned at:

(a) Reliable reports of harassment and killing of journalists and human rights defenders, including the recent murder of Anna Politkovskaya, who, according to the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, was preparing a report on serious allegations of torture by officials in the Chechen Republic;

(b) The entry into force on 17 April 2006 of the new law governing the activities of non-commercial organizations, which expands the State's discretion to interfere in and severely hamper the activities of non-governmental organizations.

The State party should take effective steps to ensure that all persons monitoring and reporting torture or ill-treatment are protected from intimidation and from any unfavourable consequences they might suffer as a result of making such a report, and ensure the prompt, impartial and effective investigation and punishment of such acts.

The State party should ensure that the applicability of the new law is clearly defined and that the State's discretion to interfere in NGO activities is limited, and therefore, amend legislation governing the activities of non-governmental organizations to ensure its actual conformity with international human rights standards on the protection of human rights defenders, including the United Nations Declaration on Human Rights Defenders², as well as with best practices internationally.

Violent attacks because of race, ethnicity or identity of the victim

23. The reported rise in violent attacks because of the race, ethnicity or identity of the victim, including forced evictions in the Kaliningrad area, and the alleged absence of effective investigations into such crimes.

The State party should ensure that all officials are instructed that racist or discriminatory attitudes will not be permitted or tolerated and that any official who is complicit in such attacks will be prosecuted and suspended from his/her post pending resolution of the case or, if there is a danger of recurrence, transferred to a post which does not enable him/her to come into direct contact with potential victims. The State party should ensure prompt, impartial and effective investigations into all such acts of violence.

The situation in the Chechen Republic

24. The Committee is concerned at:

(a) Reliable reports of unofficial places of detention in the North Caucasus and the allegations that those detained in such facilities face torture or cruel, inhuman or degrading treatment;

(b) Numerous, ongoing and consistent allegations that abductions and enforced disappearances in the Chechen Republic, in particular during anti-terrorist operations, are inflicted by or at the instigation or with the consent or acquiescence of public officials or other persons acting in official capacities and the failure to investigate and punish the perpetrators;

(c) The dual system of jurisdiction in the Chechen Republic involving both military and civilian prosecutors and courts;

(d) Allegations of torture in the temporary holding facility within the Second Operational Investigative Bureau (ORB-2) of the North Caucasian Operative Administration of the Central

Administrative Board of the Ministry of Internal Affairs in the Southern Federal District, as well as in several sub-offices of ORB-2 in the Chechen Republic;

(e) The federal law "On counteracting terrorism" signed on 6 March 2006 fails to explicitly outline the applicability of the safeguards for detainees in the Code of Criminal Procedure to counterterrorist operations;

(f) Allegations of widespread practice of detaining relatives of suspects of terrorism;

(g) The reported practice of detention of persons for non-compliance with the requirements of the system for registration of residence.

The State party should ensure that no one is detained in any unofficial place of detention under its de facto effective control. The State party should investigate and disclose the existence of any such facilities and the authority under which they have been established and the manner in which detainees are treated. The State party should publicly condemn any resort to secret detention and prosecute anyone engaged in or complicit in this practice.

The State party should take all necessary measures to prohibit and prevent abductions and enforced disappearances in any territory under its jurisdiction, and prosecute and punish the perpetrators.

The State Party should ensure effective use of joint investigative groups including representatives of both military and civil (territorial) Office of the Public Prosecutor until such time as the competence and jurisdiction of any case can be determined and ensure the right to fair trial to all suspects.

The State party should conduct a thorough and independent inquiry into the methods used in holding facilities in ORB-2 when questioning prisoners.

The State party should conduct prompt, impartial and effective investigations into all allegations of torture and ill-treatment in these and other facilities, including examination of medical reports supplied to court cases documenting mistreatment, and ensure that persons responsible are subject to prosecution with appropriate sanctions.

Reiterating its previous recommendation, the State party should clarify the applicable legal regime that currently prevails in the Chechen Republic, as there is no state of exception and there is also a non-international armed conflict in progress. Such clarification could provide individuals with an effective means of seeking redress for any violations committed, so that they will not be caught in a vicious circle of various military and civilian departments and agencies with differing degrees of responsibility.

The State party should ensure that any counter-terrorism measures taken with regard to the Chechen Republic and any other territory under its jurisdiction, remain in full conformity with the Convention's prohibitions against torture and ill-treatment. The State party should establish safeguards against reprisals in order to protect all complainants, including, inter alia, those who submit cases on torture or disappearances to the European Court of Human Rights or under article 22 of the Convention.

26. The Committee encourages the State party to continue to permit international inspection of places of detention, including by the European Committee for the Prevention of Torture (CPT) and, recalling that representatives of the State party referred repeatedly to recent findings by the individual members of the CPT on the Chechen Republic, recommends that the State party authorize the publication of the CPT's reports on the Chechen Republic and other areas.

27. The Committee regrets that the Special Rapporteur on torture and other cruel, inhuman or

degrading treatment or punishment could not yet conduct a visit to the North Caucasus Republics of Chechnya, Ingushetia, North Ossetia and Kabardino-Balkaria and urges the State party to permit this visit, in full conformity with the Terms of Reference for fact-finding missions by special procedures of the United Nations. The Committee also encourages the State party to ratify the Optional Protocol to the Convention against Torture."

UN HRC, 25 January 2007:

"359. The Working Group is deeply concerned about the new cases [of enforced disappearances] that continue to occur in the Russian Federation. The Working Group encourages the Government to respond to its general allegation letter (see paragraph 353) and to take steps to clarify outstanding cases, including the large number of unresolved cases arising from the conflicts in the

Northern Caucasus. The Working Group reiterates to the Government its obligation under the Declaration to prevent and to terminate all acts of enforced disappearance and to prosecute alleged perpetrators.

360. The Working Group welcomes the invitation by the Government of the Russian Federation to the Working Group to conduct a country visit, and looks forward to finalizing dates as soon as possible.

361. The Working Group continues to be concerned about suspension of investigations in disappearance cases and wishes to remind the Government of its obligations to conduct thorough and impartial investigations "for as long as the fate of the victim of enforced disappearance remains unclarified", in accordance with article 13, paragraph 6, of the Declaration."

UN CHR, 26 January 2006:

"Violence against women in the North Caucasus

- Take the necessary measures to prevent and protect women's human rights by:

Ensuring that discrimination against women is not legitimized by the passage of anti-terrorism legislation and that when women are detained or arrested, a female police officer is present at all times;

Supporting the establishment of an ombudsman in the Republic of Chechnya who would be empowered to receive and act upon individual complaints of human rights violations;

Enforcing orders designed to protect against arbitrary detention and enforced disappearances, ensuring that operations against people's homes are properly conducted by clearly identifiable State agents, in clearly identifiable vehicles, in the presence of representatives of the prosecutor and civil society;

Rebuilding the courts in Chechnya, establishing necessary procedures to guarantee access to justice (including the provision of free legal aid to those in need) and ensuring that female prisoners have access to their basic rights including the right to family visits;

- Investigate all allegations of human rights violations and prosecute the perpetrators by:

Establishing clear jurisdiction between military and civilian prosecutors to ensure that all human rights violations are appropriately investigated in a transparent manner and that victims of human rights violations and their legal representatives are made fully aware of the jurisdictional procedures;

Urgently ensuring the timely resolution of pending cases of alleged disappearance and other human rights violations, and communicating the conclusions to the victims or their family members;

Preventing and investigating any attacks on and reprisals against human rights defenders and supporting their work to document, monitor and report on human rights violations in the region;

- Ensure the rights and safety of IDPs by:

Providing protection against the forced return of IDPs from Ingushetia until the situation in Chechnya has stabilized;
Ensuring that TACs meet basic minimum living standards and that women who live there are protected from violence and abuse;
Recognizing ethnic Ingush who fled North Ossetia as IDPs and enabling them to receive the accompanying rights and benefits;

- Rebuild infrastructure and housing in Chechnya in order to enhance and stabilize the socioeconomic situation in Chechnya."

UN CRC, 23 November 2005:

"Children affected by conflict

68. The Committee remains concerned that children living in Chechnya and the Northern Caucasus (and in particular internally displaced children) remain very deeply affected by the conflict, in particular with regard to their rights to education and health. The Committee is also concerned about reported cases of arrests and disappearances by security agents of young persons suspected of being associated with insurgency groups. The Committee is concerned that there has been limited identification and marking of mined areas, or efforts to clear mines, notwithstanding the recent ratification by the State party of Protocol II, as amended, to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects.

69. The Committee recommends that the State party strengthen the measures taken to protect children from the consequences of the conflict in Chechnya and in the Northern Caucasus, in compliance with article 38, paragraph 1, of the Convention on the Rights of the Child, in particular with regard to their rights to health and education. It also urges the State party to take measures to ensure that abuses committed by the security forces against the personal security of children cease. The Committee further recommends that the State party further its efforts to clear mines and ratify the 1997 Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction."

UN, CHR, 24 February 2004:

"57. The Representative also wishes to reiterate his seven main recommendations which he put forward at the end of his visit:

(a) First, the federal and local governments should clearly and publicly reaffirm their commitment to the right of IDPs in Ingushetia to voluntary return in safety and dignity and make their commitment to this principle known to the IDPs themselves. A clearly stated position, which is also implemented on the ground, will help not only to ensure that IDPs feel confident that they are entitled to a choice, but also facilitate cooperation between the Government and its national and international partners;

(b) Second, the Federal and local Governments should provide IDPs with complete, accurate and reliable information about the situation in Chechnya in order for them to be able to make an informed choice. This should include information on conditions of safety, the standards of housing, and the timeline for the receipt of the promised compensation. In addition, other actors, such as NGOs, should be given the opportunity also to provide information to IDPs, provided it meets the same criteria of clarity, objectivity and accuracy. The Government should further ensure that IDPs are informed about, and actually given various options of, returning, waiting in areas of displacement in dignified circumstances until conditions in Chechnya become convincingly

improved, integrating locally, or seeking alternative settlement elsewhere in the country;

(c) Third, the Government should ensure that the returnees are housed in conditions of greater safety and security, in particular by providing adequate physical and legal protection in TACs as well as facilitate access to courts in cases where their human rights are violated;

(d) Fourth, the Government of the Russian Federation and the Governments of Ingushetia and Chechnya, with the support of humanitarian actors if required, should provide adequate resources

to assist IDPs in accessing better temporary shelter in areas of displacement outside of Chechnya and in reconstructing destroyed or damaged properties inside Chechnya where security conditions permit;

(e) Fifth, the Government should ensure that all persons whose property was damaged or destroyed have equal and fair access to compensation regardless of whether they choose to return, and that this compensation is provided without further delay;

(f) Sixth, the Government of Ingushetia, with adequate assistance from other actors, should provide humanitarian assistance to the Ingush IDPs from North Ossetia whose conditions are no less compelling than those of Chechen IDPs, and concerted efforts should be made to identify durable solutions for all. The problems relating to the property in North Ossetia of IDPs should also be fairly and adequately addressed;

(g) Seventh, towards achieving the objective of a comprehensive response, the Representative recommends that a consultation involving United Nations agencies, intergovernmental and non-governmental organizations, the donor community and, of course, the relevant authorities be organized to seek to identify strategies to help alleviate the plight of IDPs in the Russian Federation and to enhance the coordination among different actors. He welcomes the steps already taken by the Government to move ahead in this regard, and encourages the convening of this meeting as well as sustained consultations.

58. In addition, the Representative urges the Government to take into consideration the concerns expressed by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, and to ensure that the human rights of the displaced, as well as those of the returnees, are respected and that perpetrators of human rights violations are held accountable and brought to justice.

59. Further, the Representative urges the Government to work closely with civil society, especially with NGOs working on behalf of the displaced, in responding to the situation of IDPs."

UN CESCR, 12 December 2003:

"10. The Committee is deeply concerned about the poor living conditions in the Republic of Chechnya and notes with regret that sufficient information was not provided on this problem in the State party's report. While acknowledging the difficulties posed by the ongoing military operations, the Committee is concerned about the problems faced by people in the Republic of Chechnya with regard to the provision of basic services, including health care and education...

28. The Committee is concerned about delays in the payment of compensation for houses destroyed during military operations in Chechnya...

30. The Committee is concerned about the precarious situation of more than 100,000 internally displaced persons from Chechnya living in Ingushetia. The Committee emphasizes in this respect its view that the closing down of tent camps without provision of alternative lodging would be in contravention of the Covenant...

38. The Committee urges the State party to allocate sufficient funds to reinstate basic services, including the health and education infrastructure, in the Republic of Chechnya...

56. The Committee calls upon the State party to guarantee that timely and adequate compensation is duly provided to all persons whose property has been destroyed during the military operations in Chechnya...

58. The Committee reminds the State party of its obligation under the Covenant to ensure the provision of adequate temporary housing for those people who fear that Chechnya is too insecure for them to return."

UN CCPR, 6 November 2003:

"13. The Committee remains deeply concerned about continuing substantiated reports of human rights violations in the Chechen Republic, including extrajudicial killings, disappearances and torture, including rape. The Committee notes that some 54 police and military personnel have been prosecuted for crimes committed against civilians in Chechnya, but remains concerned that the charges and sentences handed down do not appear to correspond with the gravity of the acts as human rights violations. The Committee is also concerned that investigations into a number of large-scale abuses and killings of civilians in 1999 and 2000, in the locations of Alkhan Yurt, Novye Aldy and Staropromyslovskii district of Grozny, have still not been brought to a conclusion. The Committee acknowledges that abuse of and violations against civilians also involve non-State actors, but reiterates that this does not relieve the State party of its obligations under the Covenant. In this regard, the Committee is concerned about the provision in the Federal Law "On Combating Terrorism" which exempts law enforcement and military personnel from liability for harm caused during counter-terrorist operations.

The State party should ensure that operations in Chechnya are carried out in compliance with its international human rights obligations. The State party should ensure that abuse and violations are not committed with impunity *de jure* or *de facto*, including violations committed by military and law enforcement personnel during counter-terrorist operations. All cases of extrajudicial executions, enforced disappearances and torture, including rape, should be investigated, their perpetrators prosecuted and victims or their families compensated (articles 2, 6, 7 and 9).

16. The Committee notes the statement by the delegation that all persons who have returned to Chechnya have done so voluntarily. However, it also observes that there are reports of undue pressure on displaced persons living in camps in Ingushetia to make them return to Chechnya.

The State party should ensure that internally displaced persons in Ingushetia are not coerced into returning to Chechnya, including by ensuring the provision of alternative shelter in case of closure of camps (article 12).

21. The Committee is concerned that journalists, researchers and environmental activists have been tried and convicted on treason charges, essentially for having disseminated information of legitimate public interest, and that in some cases where the charges were not proven, the courts have referred the matter back to prosecutors instead of dismissing the charges.

The State party should ensure that no one is subjected to criminal charges or conviction for carrying out legitimate journalistic or investigative scientific work, within the terms covered by article 19 of the Covenant.

22. The Committee expresses its concern at the high incidence of harassment, violent attacks and murders of journalists in the State party.

The State party should ensure that all cases of threats against and violent assault and murder of journalists are promptly and thoroughly investigated and that those found responsible are brought to justice (articles 19 and 6).

23. While acknowledging the difficult circumstances under which presidential elections were held in the Chechen Republic on 5 October 2003, the Committee expresses concern at reports that these elections did not meet all the requirements of article 25 of the Covenant.

The State party should ensure full compliance with article 25 in its efforts to restore the rule of law and political legitimacy in the Republic of Chechnya."

Recommendations from European Institutions (2009)

- Council of Europe's Parliamentary Assembly calls upon Russia to plan durable solutions with IDPs, among other recommendations
- European Parliament calls for an intensification and opening up of the EU-Russia human rights dialogue
- Council of Europe's Committee for the Prevention of Torture makes recommendations to Russian government on ill-treatment in detention and effective investigations for complaints

CoE, 24 June 2009:

"15.3. as regards the protection of rights of IDPs, to call upon relevant member states to work out, together with the IDPs, durable solutions, including, in particular to:

15.3.1. review, enact and implement national strategies and action plans by setting out a clear legal and institutional framework assuring effective protection of IDPs and addressing their specific vulnerabilities, and revise and amend the existing laws in order to remove all legal impediments for integration of the IDPs;

15.3.2. mobilise and empower IDPs as actors of their own protection;

15.3.3. fully respect the voluntary nature of return, integration or settlement;

15.3.4. ensure the safety and security of IDPs, particularly at locations of return; in particular, where there remain landmines and unexploded ordnance;

15.3.5. pursue the process of reconciliation more vigorously, especially in the areas of return or settlement of IDPs, by fostering a political and cultural climate of respect, tolerance and non-discrimination and by investigating and bringing to justice perpetrators of crimes against humanity, war crimes and inter-ethnic violence;

15.3.6. reconstitute property or occupancy/tenancy rights and/or provide prompt, effective and fair compensation to the extent that restitution is not possible, and repair or rebuild restituted houses or construct alternative adequate accommodation;

15.3.7. provide IDPs with full access to rights, legal documentation and free-of-charge legal assistance;

15.3.8. make income-generating activities available to IDPs to facilitate their social and economic reintegration and, in particular, to ensure full and non-discriminatory access to jobs offered by private or public employers; to develop social welfare systems that can benefit IDPs in need of assistance, in particular social housing schemes; where relevant, to transfer social security and pension rights;

15.3.9. guarantee living conditions and access to basic needs according to relevant standards;

15.3.10. find adequate solutions for the most vulnerable groups of people who are still accommodated in the collective centres, tented camps or other makeshift accommodation;

15.3.11. ensure that displaced children are schooled together with non-displaced children to the extent possible, and that they receive quality education without financial barriers;

15.3.12. ensure that IDPs can exercise their right to participate in public affairs at all levels, including their right to vote or stand for election, which may require special measures such as IDP voter registration drives, or absentee ballots;

15.3.13. monitor the sustainability of durable solutions for IDPs as well as their living conditions, in particular with regard to adequate housing;

15.3.14. ensure that IDPs and returnees have full, free and uninterrupted access to humanitarian assistance; such access should not be blocked or hindered by states because of political considerations;

15.3.15. share experiences and good practices on achieving durable solutions for IDPs..."

European Parliament, 14 November 2007:

"6. Notes the continuous exchange of views on human rights in Russia as part of the EU-Russia human rights consultations; emphasises, however, that the current situation in Russia gives rise to serious concern in terms of respect for human rights, democracy, freedom of expression and the rights of civil society and individuals to challenge authorities and hold them accountable for their actions; is extremely worried about the lack of any substantive response by the Russian authorities to the numerous expressions of this concern; stresses that the implementation of the current NGO law has had a negative impact on the work of many NGOs, and supports ongoing initiatives to simplify procedures for registering NGOs;

7. Emphasises that the situation in Chechnya continues to be a point of dissent in the relations between the EU and Russia; reiterates its strong criticism of Russia's policy in Chechnya and its condemnation of the numerous human rights violations in Chechnya; calls on the Russian Federation as a matter of urgency to take concrete steps to eradicate torture and other ill-treatment, arbitrary detention and "disappearances" in the Chechen Republic, and to tackle impunity in relation to such violations;

8. Urges the Council and the Commission to call on the Russian Federation to ratify Additional Protocol 14 to the European Convention on Human Rights;

9. Calls for a stepping-up of the EU-Russia human rights dialogue and for this process to be opened up to effective input from the European Parliament, the State Duma and civil society and human rights organisations; calls for the situation of minorities within Russia to be included on the agenda of the human rights dialogue; calls on Russia to respect fully its obligations as a member of the Council of Europe, including respecting the right of association and the right of peaceful demonstration;

10. Draws attention to the difficult working conditions, pressuring and intimidation of journalists, including foreign correspondents, in the Russian Federation..."

COE, 13 March 2007:

"[...] After each of the visits in 2006, the CPT's delegation immediately made detailed written observations. The reactions of the Federal authorities were not commensurate with the gravity of the Committee's findings, and the same is true of the comments which they have recently made in response to the report on the two visits adopted in November 2006. Although displaying an open attitude on subsidiary matters related to conditions of detention, the Russian authorities consistently refuse to engage in a meaningful manner with the CPT on core issues. This can only be qualified as a failure to cooperate.

The public statement procedure set in motion by the CPT in October 2006 covered in particular the issues of ill-treatment by staff of ORB-2 (Operational/Search Bureau of the Main Department of the Ministry of Internal Affairs of Russia responsible for the Southern Federal Region), unlawful detentions and the effectiveness of investigations into cases involving allegations of ill-treatment. Detailed recommendations have been made by the CPT on each of these subjects; to date, they have received at most a token response and in many respects have quite simply been ignored. Instead of reformulating in this statement the issues concerned, the CPT has chosen to make public the relevant extracts of its visit report and of the Russian authorities' comments; the Committee believes that this material speaks for itself.

The CPT remains committed to continuing its dialogue with the competent authorities, at both Federal and Republican level, in relation to the Chechen Republic and is prepared to organise further visits to that part of the Russian Federation. However, for such activities to be worthwhile, all sides must be willing to play their part fully in the light of the values to which the Russian Federation has subscribed.

[...] the CPT recommends [that the Russian authorities]:

- take immediate action to put a stop to the ill-treatment of suspected or accused persons by staff of ORB-2, both in Grozny and in the inter-district divisions of the agency. That action should include:

- relocating elsewhere the IVS facility currently situated on the premises of ORB-2 in Grozny;

- ensuring that any person apprehended by ORB-2 staff is, without delay, placed in an IVS facility;

- making mandatory the presence of an investigator attached to the relevant prosecution service when ORB-2 staff are involved in any investigative activity requiring direct contact with a detained person;

- ensuring strict compliance with the right to have a lawyer present during all questioning or other investigative activities conducted with the participation of the suspect or accused;

- delivering to all ORB-2 staff the clear message that the ill-treatment of detained persons will be the subject of severe sanctions;

- ensuring that any complaints or other information indicative of possible ill-treatment by ORB-2 staff are the subject of an effective investigation (see also section II.A.4 below).

- ensure that effective investigations are carried out into all complaints and other information indicative of the unlawful detention of persons:

- in facilities located in the village of Tsentoroy;

- in the military facility (the "Vega base") located in the outskirts of Gudermes (see paragraph 30);

- at the Headquarters of the Vostok Battalion of the 42nd Division of the Ministry of Defence;

- in any other facility located elsewhere in the Chechen Republic.

-that immediate steps be taken to ensure that all investigations into cases involving allegations of ill-treatment meet fully the criteria of an "effective" investigation as established by the European Court of Human Rights;

-that, when persons lodge complaints about the manner in which they were treated whilst in the custody of a law enforcement agency, all subsequent investigative activities concerning those complaints be carried out in a safe environment, away from the law enforcement agency at which the ill-treatment was allegedly inflicted. Further, for so long as a preliminary inquiry or criminal investigation into possible ill-treatment is underway, the persons concerned should under no circumstances, for any investigative purpose, be returned to the custody of the law enforcement agency where it is alleged the ill-treatment was inflicted;

-that judges considering a request on the application of the preventive measure of remand in custody immediately order a forensic medical examination and bring the matter to the attention of the relevant prosecution service whenever there are grounds to believe that the person brought before them could have been the victim of ill-treatment;

-that a mode of delivery be established which ensures timely submission to the prosecuting authorities of reports drawn up by SIZO establishments on physical injuries recorded at admission;

-that persons who allege ill-treatment in custody, or their lawyers or doctors, be able to have a medical examination by a doctor from an official forensic establishment carried out without prior authorisation from an investigating or judicial authority."

European Court of Human Rights rulings on Chechnya (2009)

- European Court of Human Rights in 2007 found Russia responsible for violation of IDPs' right to property in Chechnya
- Court has made some 100 rulings on cases regarding Chechnya and finds Russia responsible for ineffective investigations, inhuman and degrading treatment and deaths and ordered that Russia pay monetary compensation to the applicants
- Russia has paid compensation, but has not remedied the violations despite reinvestigating some cases
- Systematic pattern of clear lack of will to carry out timely and thorough investigations into human rights abuses by state officials

HRW, 4 June 2009:

"The number of European Court of Human Rights judgments holding Russia responsible for serious violations of human rights in Chechnya has surpassed 100, but the government has failed to take appropriate steps to remedy them, Human Rights Watch, the Memorial Human Rights Center, and Russian Justice Initiative said today....

Since its first Chechnya judgments in February 2005, the European Court has held Russia responsible for the deaths of more than 200 people, mainly through killings and disappearances carried out by Russian forces in Chechnya. The court handed down its 100th judgment on Chechnya on May 14, 2009, and the most recent three judgments on May 28, 2009...

As a party to the European Convention on Human Rights, Russia is also obligated to adopt general measures, including reforming law and practice, to prevent future violations. The

Committee of Ministers of the Council of Europe, which supervises the implementation of general measures, has identified four major areas of focus in the Chechnya cases: improving the legal and regulatory framework governing the work of the security forces; raising awareness and providing training for members of the security forces; improving domestic remedies in cases of abuse; and improving Russia's general cooperation with the court.

"The Russian government has done the easy part by paying compensation to the victims," said Oleg Orlov, chairperson of the Memorial Human Rights Center. "But it has not implemented the core of the judgments in a meaningful way."

Мемориал, 4 июня 2009г.:

"Число решений Европейского суда по правам человека об ответственности России за серьезные нарушения прав человека в Чечне перевалило за сотню, однако правительство пока не предпринимает надлежащих шагов по обеспечению правовой защиты. Об этом заявили сегодня Хьюман Райтс Вотч, правозащитный центр «Мемориал» и Правовая инициатива по России.

Суд отмечает нежелание федеральной стороны должным образом проводить расследования и положить конец безнаказанности, в том числе по таким грубым нарушениям прав человека, как внесудебные казни, насильственные исчезновения и пытки. В ходе очередного раунда консультаций по правам человека 26 мая этого года Евросоюз и Россия согласились, что «необходимо в полном объеме и своевременно исполнять постановления Европейского суда»...

С февраля 2005 г., когда были приняты первые решения по Чечне, Европейский суд признал российское правительство ответственным за гибель свыше 200 человек. Большинство таких дел связаны с убийствами и насильственными исчезновениями со стороны федеральных сил. 14 мая 2009 г. суд вынес сотое и сто первое решения по Чечне, и еще три решения вышли 28 мая.

Как участник Европейской конвенции о правах человека, Россия обязана исполнять решения суда, включая выплату компенсации и осуществление так называемых мер индивидуального характера, в частности проведение надлежащего расследования и привлечение виновных к ответственности.

Две трети решений по жалобам из Чечни связаны с насильственными исчезновениями, большинство остальных – с внесудебными казнями, неизбирательными обстрелами и бомбежками, пытками и уничтожением имущества. На сегодняшний день в России никто не привлечен к ответственности в связи с нарушениями, установленными Европейским судом.

На рассмотрении в Европейском суде находятся еще не менее 300 жалоб по фактам нарушений прав человека в Чечне и других республиках Северного Кавказа.

«Россия признана ответственной за нарушение права на жизнь в большем числе эпизодов, чем все остальные 46 государств – членов Совета Европы вместе взятые с начала работы суда в 1959 г., - отмечает Румер Леметр, юридический директор Правовой инициативы по России. – Пока виновные не понесут наказание, право на жизнь будет оставаться в Чечне пустым звуком».

В 102 из 104 решений Европейский суд установил непроведение Россией эффективного расследования нарушений, хотя в большинстве случаев имелись более чем достаточные доказательства причастности к нарушениям сотрудников силовых структур. Уголовные дела привычно приостанавливаются «в связи с неустановлением лиц, совершивших преступление».

Как участник Европейской конвенции, Россия также обязана принимать системные меры в интересах предупреждения дальнейших нарушений, включая реформирование законодательства и правоприменительной практики. Комитет министров СЕ, отслеживающий реализацию мер общего характера, определил четыре основных направления в связи с жалобами из Чечни: совершенствование нормативно-правовой базы деятельности силовых структур; повышение уровня знаний и обеспечение соответствующей подготовки их личного состава; обеспечение надлежащей правовой защиты на национальном уровне; обеспечение надлежащего сотрудничества российской стороны с Европейским судом в целом."

Memorial, 29 May 2009:

"Currently 102 judgments on the applications from the residents of North Caucasus region were pronounced by the ECHR (including 98 from Chechen Republic and 3 from Ingushetia). And in one case only the Court did not find any Convention violations. In all other cases Russian Federation was admitted to be guilty in the Convention violations. The issues raised in the complaints were about kidnapping by the authorities' representatives, disproportionate use of physical force, disappearance of arrested people, about torture in detention, and extrajudicial killings. Thus 92 violations of the right to life were found by the Court, and in 103 cases a right to the effective investigation was violated by the Russian Federation.

What measures are being taken by Russian authorities to implement the ECHR decisions? Applicants are given monetary compensations in time and in full. Criminal cases are investigated anew. But investigations are made formally and drag on for no good reason. None of the officials who were clearly involved in perpetrating crimes have gone on trial. There is still no information on people whose abductions were considered by the ECHR, not to mention that no amendments have been made so far in order to change the normative acts outlining security services' actions in areas of internal conflicts (anti-terrorism legislation, charters of armed forces). Meanwhile, the need for such changes results directly from some ECHR decisions. Over the past years some applicants have been subject to pressure from authorities after they made their complaints; some were threatened and a few of them were abducted or killed."

Leach, 2008:

"This article seeks to analyse the judgments of the European Court which were delivered between February 2005 (when the first three judgments relating to Chechnya were published) and July 2008. In that period, the Court published 37 judgments in respect of cases that were lodged between 2000 and 2004 (they are listed in the Annex). The majority of those cases concerned events in 2000 (22 judgments)...

Almost two-thirds of the applicants were women.¹⁷ In most cases, as the applications concerned killings or disappearances, the applicants brought the cases upon behalf of members of their family, 80 per cent of whom were men.¹⁸ A number of the applicants were living outside Russia, having sought asylum.¹⁹ In 35 cases, the applicants were represented by non-governmental organisations: either the Stichting Russian Justice Initiative²⁰ or the partnership created by Memorial (in Russia) and the European Human Rights Advocacy Centre (EHRAC) (in London)....

In more than two-thirds of the disappearance cases, the victims were abducted from their homes (in other cases they went missing having allegedly been detained at checkpoints or elsewhere). A clear pattern in these cases is discernible. A large group of armedmen (up to 50) would enter the house, usually at night or in the early hours of the morning (sometimes in broad daylight). They would be wearing military camouflage uniform, but they would not identify themselves (some would be wearing balaclava masks). They were often said to have Slavic features and to speak in non-accented Russian. They would check the occupants' identity papers, and search them and the house. Violence was frequently used and belongings often taken. They would show no

documentation, and give no reasons for the victim's arrest. Nor would they provide any information as to where the victim was being taken or when he would be released. They would communicate by radio, and often travel there in armoured cars (APCs), and sometimes be accompanied by helicopters. They would usually have to pass through military checkpoints in order to travel to and from the house in question (at night, this would be during curfew hours). The families would immediately take various steps to contact the local authorities, but no information would be forthcoming. The victims' bodies were subsequently discovered in 5 cases, but in 19 cases no bodies were ever found. The Government's usual riposte was not to deny that the victims had indeed been abducted, but to assert that unidentified armed men had been responsible and that it had not been possible to establish the responsibility of any state officials, or (in cases where no body had been discovered) that the victim was dead. Bare denial of any state responsibility has been the norm in the Chechen cases. In a small number of cases the Government has suggested that the perpetrators could have been members of paramilitary groups. However, such arguments have been dismissed by the Court as being unspecific and unsupported....

After more than three years of issuing judgments in the particular context of the Chechen Republic, the Court has formed a reasonably clear and settled opinion that neither civil nor criminal domestic remedies have, in practice, proved capable of providing effective redress in respect of cases of egregious human rights violations committed by state agents in Chechnya....

It is a recurring, and particularly lamentable, feature of the Chechen cases that the Government refuses to disclose to the Court copies of the domestic case files, in spite of repeated requests made by the Court. In 28 of the 37 cases, there has been what may be described as a significant level of non-disclosure (with some degree of non-disclosure in another five cases)....

The main thrust of the Government's argument to attempt to justify no, or only selective, disclosure, was that the documents contained state or military secrets, information about the locations of military or special forces, information about officers who took part in counter-terrorist operations and other information about witnesses....

The Court has been strongly critical of the negligence of the investigatory authorities in Chechnya in responding to wholly credible allegations of extra-judicial executions, kidnappings, disappearances and ill-treatment. In numerous cases, the Court has found that the most basic investigatory steps were never taken, and many investigations were "plagued by inexplicable delays".

Very basic investigative failings have been identified on numerous occasions, including the following:

- the failure to question the applicants or delays in doing so;
- the failure to identify and question witnesses, or delays in doing so, or the failure to raise particular pertinent questions;
- the failure to identify other victims and witnesses of an attack, including those identified and named by the applicants;
- the failure to initiate criminal proceedings or to specify what investigative steps were taken following the discovery of a body;

the failure to carry out an appropriate autopsy or forensic report, or delays in doing so;

- the failure to carry out a ballistics report or delays in doing so;
- the failure to draw up a map or plan; and
- the delay in drawing up an inventory of real evidence.

A notable and consistent feature of the investigations has been the inability, or unwillingness, of investigators or prosecutors to call state bodies to account, notably the military and security forces. There have been delays in making requests for information to state agencies and requests for information which have included significantly wrong information. The Court has frequently found a failure to identify and question particular officials, even when given detailed descriptions, or servicemen depicted in videos. Another distinguishing feature of the Chechen investigations has been the failure to involve the families in the investigatory proceedings to a sufficient extent. Thus, applicants have not been granted victim status or there have been delays in doing so.

In numerous cases, families were not informed about significant developments in the investigation. Aside from all of these very serious errors and omissions in individual cases, more worrying still are the Court's broader criticisms pointing to a disturbing pattern of conscious behaviour. Mere bureaucratic bungling or inertia surely cannot account for the repeated adjournment and reopening of numerous investigations, for the lengthy periods of inactivity at the prosecutors' offices when no proceedings were pending or for the transfer of investigations from one prosecutor's office to another for no apparent reason.

This cluster of judgments from Chechnya has therefore arguably already established that there has been a systematic pattern indicative of a clear lack of will to carry out timely and thorough investigations into human rights abuses by state officials...

The Russian authorities' approach to the question of implementation of the Chechen judgments can only be characterised as obfuscation. It is true to say that in response to the Court's earliest judgments in the Chechen cases, domestic investigations were reopened or re-instigated. However, according to the information provided by the Russian Government to the March 2008 meeting of the Committee of Ministers, not one of the investigations in respect of nine listed cases (both disappearances and extra-judicial killings) had led to a prosecution: two had been closed (Isayeva, Yusupov & Bazayeva, and Isayeva); five had been adjourned (Khashiyev and Akayeva, Bazorkina, Imakayeva, Estamirov and Luluyev); and no information has been provided about Chitayev and Chitayev or about the investigation into the applicant's son's abduction in the case of Imakayeva...

in too many of the disappearance cases the most significant questions are still left unresolved: we may not even know if the victims have died (it is presumed); we do not know how they died, when they died or where they died; nor do we know which state bodies, still less which individual officials, were responsible.

Apparently unwilling to delve into the question of the complementarity of human rights law and humanitarian law, the European Court has assiduously avoided any express reference to humanitarian law in the Chechen cases, despite specific reliance being placed on humanitarian law provisions and principles, as, for example, both the applicants and the intervenor, Rights International, did in Isayeva, Yusupova and Bazayeva. William Abresch has argued that, in treating armed conflicts as law enforcement operations, the Court's approach "may prove both more protective of victims and more politically viable than that of humanitarian law"

ECHR, 15 November 2007:

"FOR THESE REASONS, THE COURT UNANIMOUSLY

1. Holds that there has been a violation of Article 8 of the Convention and Article 1 of Protocol No. 1 as a result of the temporary occupation of the applicant's estate by the consolidated police units of the Russian Ministry of the Interior;

2. Holds that there has been a violation of Article 8 of the Convention and Article 1 of Protocol No. 1 as a result of the damage inflicted on the applicant's estate by the consolidated police units of the Russian Ministry of the Interior;
3. Holds that there has been a violation of Article 6 § 1 of the Convention on account of the denial to the applicant of access to a court between October 1999 and January 2001;
4. Holds that there has been a violation of Article 6 § 1 of the Convention on account of the prolonged non-enforcement of the judgment of 14 February 2001 in the applicant's favour;
5. Holds that there has been a violation of Article 6 § 1 of the Convention on account of the domestic courts' failure, in the 2002 proceedings, to examine the applicant's claims in respect of compensation for occupation of property and for non-pecuniary damage;
6. Holds that there has been a violation of Article 6 § 1 of the Convention on account of the arbitrary findings of the domestic courts as regards the applicant's claim in respect of compensation for the damage inflicted on his estate;
7. Holds that it is not necessary to examine the complaints made under Article 13 of the Convention.
8. Holds
 - (a) that the respondent State is to pay the applicant, within three months from the date on which the judgment becomes final in accordance with Article 44 § 2 of the Convention, the following amounts:
 - (i) EUR 157,000 (one hundred and fifty-seven thousand euros) in respect of pecuniary damage;
 - (ii) EUR 15,000 (fifteen thousand euros) in respect of non-pecuniary damage;
 - (iii) EUR 3,385 (three thousand three hundred and eighty-five euros) in respect of costs and expenses;
 - (iv) any tax, including value-added tax, that may be chargeable on the above amounts;
 - (b) that from the expiry of the above-mentioned three months until settlement simple interest shall be payable on the above amounts at a rate equal to the marginal lending rate of the European Central Bank during the default period plus three percentage points..."

EHRAC, 26 July 2007:

"On 5 February 2000, Yusup Musayev was a witness to nine killings, seven of them his relatives. Suleyman Magomadov and Tamara Magomadova alleged that three neighbours witnessed the burning of a house belonging to their relatives. The neighbours discovered the remains of Suleyman's brothers, Salman and Abdula Magomadov in the cellar of the house. Khasan Abdulmazhidov and his wife, Malika Labazanova complained of the shooting of Khasan's sister and brother, Zina Abdulmezhidova and Khuseyn Abdulmezhidov.

In its judgment the Court concluded that the applicants' relatives were killed by Russian servicemen of the St Petersburg OMON (special police forces). However, it was highly critical that:

"no explanation has been forthcoming from the Russian Government as to the circumstances of the deaths, nor has any ground of justification been relied on by them in respect of the use of lethal force by their agents."

The Court was particularly critical of the Russian authorities' conduct of the investigation into the events of 5 February 2000, finding there was "a series of serious and unexplained delays and failures to act..." including the failure to promptly identify victims and possible witnesses and to take statements from them.

The Court also found that Russia had subjected Yusup Musayev to inhuman treatment (in violation of Article 3) as he had witnessed the extrajudicial execution of several of his relatives and neighbours, was himself threatened at gunpoint, and that the response of the authorities to these events had been "wholly inadequate".

For information on other ECHR judgments on cases relating to the conflict in Chechnya, visit the [ECHR website](#). or the [EHRAC website](#).

NGO response

NGOs play a key role in protecting IDPs in the North Caucasus (2009)

- Local and national human rights NGOs monitor the situation of IDPs in the North Caucasus and provide assistance, despite threats to their security
- The work of NGOs has been instrumental for the protection of IDPs

In the North Caucasus, the role of national and local NGOs has been instrumental for the protection of Chechen IDPs. They implement humanitarian assistance programmes, generally with the financial support of international organisations. However, this is not done without risk. Local NGOs and human rights advocates in the North Caucasus are exposed to serious threats, such as attacks, abduction and even death.

Local and national NGOs are also very active to provide support to IDPs in the rest of the Russian Federation. In urban centres, organisations such the Civic Assistance Committee in Moscow, provide legal advice and social assistance to IDPs and other migrants, helping them to access public services, social allowances and the judicial system (see website of [Civic Assistance Committee](#) [Internet]). With the support of the International Federation of the Red Cross, the Russian Red Cross also provides support to migrants, including IDPs, in several regions of the Russian Federation.

Although exposed to insecurity and bureaucratic obstruction, international NGOs are present in the northern Caucasus. International NGOs present in the North Caucasus include ACF, Caritas, DRC, Hammer Forum, Handicap International, HELP, IMC, IRC, MDM, Nonviolence International, SDC, World Vision and they work in development, humanitarian assistance, human security, human rights and conflict prevention. UN agencies include FAO, ILO, UNDP, UNHCR, UNICEF, WHO, WFP. The ICRC is also present. Most of the UN and NGO actors in the North Caucasus seem to agree that local NGO capacity building and support will be critical after humanitarian aid is phased out and development is fully taken over by Russian government institutions. In 2006, the UN and its NGO partners began to change their focus from emergency to development activities in the North Caucasus, while continuing to acknowledge that the conflict-affected population still needs humanitarian support. UN OCHA closed its office in Russia at the end of 2007.

International organisations providing assistance to IDPs in the North Caucasus include UNHCR, UN Children's Fund, UN Development Programme, World Health Organization, Food and Agriculture Organization, International Committee of the Red Cross, Swiss Agency for Development and Cooperation, International Rescue Committee, World Vision, the Danish Refugee Council and the International Medical Corps. Local NGOs including the Caucasian Refugee Council, Memorial, Nizam and Vesta also target IDPs in their work. Between them they provide legal counselling, housing, income-generation opportunities, agriculture support, infrastructure reconstruction, school meals and medical assistance in addition to general monitoring and support for local NGO capacity strengthening. UNHCR is an observer on the "Public Council on Safeguarding of Rights and Freedoms of People and Citizens of the Chechen Republic" in Grozny and at the district level.

International human rights NGOs have also been strong advocates for IDPs. Human Rights Watch, Amnesty International and the International Helsinki Federation have visited Ingushetia and Chechnya on several occasions since the beginning of the second conflict and documented in details the plight of IDPs and civilians populations in northern Caucasus.

Recommendations to the EU and Council of Europe (2009)

- Human Rights Watch urges the EU and member states to raise concern on human rights abuses with Russian authorities, include impunity for human rights violations as a permanent theme at the annual EU-Russia human rights consultations and establish a permanent EU working group to engage with Russian authorities and offer technical assistance
- IDMC advocates that the Council of Europe should assist governments in helping IDPs to access documents and other rights and achieve durable solutions

HRW, 27 September 2009:

"To the European Union and its Member States

-Adopt conclusions in the context of the General Affairs and External Relations Council (GAERC) expressing the European Union's profound concerns at continued reports of torture, extra-judicial killings and enforced disappearances in Chechnya and the broader North Caucasus and the persisting impunity for these serious human rights violations, and insist that Russia take the above measures as essential steps toward rectifying past violations and preventing future human rights abuses;

-Ensure that concerns about impunity for torture, extra-judicial killings, and enforced disappearances are raised at all dialogues with Russian authorities and policy makers, including at EU-Russia Summits and Foreign Ministerial meetings, and stress the importance of Russia's full implementation of the European Court rulings and its cooperation with the European Court at all times;

-Ensure that impunity for torture, extra-judicial killings, enforced disappearances, and the implementation of the European Court decisions are standing themes on the agenda of the biannual EU-Russia Human Rights Consultations;

Use the EU-Russia Human Rights Consultations to take stock of concrete steps by Russia to implement the European Court decisions. The Consultations should always reflect input from individual lawyers and NGOs representing victims in these cases or otherwise engaged on implementation of European Court judgments on Chechnya;

-In coordination with the Council of Europe, establish a permanent EU working group consisting of Moscow-based diplomats from EU member states, the Commission and the Council, with the purpose of engaging directly with the Russian authorities and offering technical assistance, where appropriate, to ensure Russia's effective implementation of the European Court decisions. The working group should use as a basis for its work the assessments prepared by Council of Europe bodies in this area as well as input from individual lawyers and NGOs representing victims in these cases or otherwise engaged on implementation of European Court judgments on Chechnya.

To Governments of Council of Europe Member States

-In dialogues with the Russian authorities, insist that Russia take the above measures as essential steps toward rectifying past violations and preventing future human rights abuses in Chechnya and the broader North Caucasus;

In dialogues with the Russian authorities, stress the importance of Russia's cooperation with the European Court, including by supplying all materials requested by the court for its review of cases;

-Ensure that the Committee of Ministers of the Council of Europe formulates rigorous and comprehensive expectations for Russia's implementation of individual and general measures;
-Engage actively in the Committee of Ministers' quarterly human rights meetings to make the most of the opportunity they provide for periodic scrutiny and assessment of Russia's implementation of the European Court's judgments;
Insist that the government of Russia sign, with a view to prompt ratification, the new UN Convention against Enforced Disappearances. Doing so would demonstrate good faith on the part of the government to prevent additional disappearances."

IDMC, May 2009:

"On access to documents:

Support access to rights and justice for IDPs by ensuring issues of documentation and rule of law are included in the training and monitoring activities of the relevant bodies of the Council of Europe;

Conduct research on the impact of the lack of documentation and non-recognition of documents and legislation in countries with competing legal systems on IDPs' access to rights, with a view to identifying ways to limit the negative impact of this situation on IDPs;

Encourage governments to initiate civil registration campaigns targeting groups of IDPs particularly affected by the lack of documentation, such as Roma people.

On general protection of human rights:

Support national human rights institutions in their capacity to encourage governments to address the

limited access of IDPs to their rights;

Continue to advocate for reconciliation mechanisms;

Lobby the European Commission to more comprehensively reflect issues facing IDPs and access

to their rights in EU progress reports, and to assess progress in the accession process against improvement of the situation of IDPs.

On durable solutions:

Conduct research on spontaneous and organised local integration and settlement of IDPs in Europe with the purpose of exploring the possibility of these durable solutions in the region;

Identify the remaining obstacles for securing durable solutions for IDPs in collective centres and makeshift housing."

HRW, October 2008:

[On the North Caucasus] the EU should call on Russia to:

Ensure access to the region for international monitors, including the UN Working Group on enforced and involuntary disappearances and the Special Rapporteurs on torture and extrajudicial, summary and arbitrary executions, in full agreement with the requirements for conducting visits that these procedures; terms or reference set forth;

Ensure meaningful accountability mechanisms to bring perpetrators of serious abuses to justice and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome;

Immediately stop the practice of enforced disappearances, abduction-style detentions, and other abuses perpetrated in particular by security services, military, and law-enforcement agencies;

In cases of arrest, ensure that all procedural guidelines are fully observed and family members are provided adequate information on the status and whereabouts of their arrested relatives.

[On the European Court of Human Rights judgments] specifically, the EU should press Russia to:

Pay in full the compensation and expenses as directed by the court ;

Re-open investigations in those cases where the court has determined that prior investigations were inadequate and conduct them in a manner that ensures they are meaningful and effective;
Undertake a thorough review and revision of domestic legislation and regulations regarding the use of force by military or security forces to ensure their compliance with human rights law;
Conduct an in-depth inquiry into the conduct of investigations into abuses committed by Russian military servicemen, police and intelligence officials, and other forces in the Chechen Republic to establish why these investigations are so ineffective;
Undertake an investigation to determine by what means secret detention has been allowed to occur routinely and on a large scale in Chechnya.

[On Ingushetia] Russia's international partners, particularly the EU, should call on the Russian government to:

Promptly bring counterinsurgency efforts in line with Russia law and international human rights obligations;

Immediately stop the practice of extra-judicial executions, enforced disappearances, abductions, and other abuses perpetrated in particular by security services, military, and law-enforcement agencies;

In cases of arrest, ensure that all procedural guidelines are fully observed and family members are provided adequate information on the status and whereabouts of their arrested relatives;

Ensure meaningful accountability mechanisms to bring perpetrators of serious abuses to justice and ensure transparency regarding investigations and/or prosecutions undertaken, including their outcome;

Ensure access to the region for international monitors, including the UN Working Group on enforced and involuntary disappearances and the Special Rapporteurs on torture and extrajudicial, summary or arbitrary executions, in full agreement with the requirements for conducting visits that these procedures' terms of reference set forth;

Sign and Ratify the UN Convention for the Protection of All Persons from Enforced Disappearances;

Foster a favorable climate for journalists and human rights defenders to do their work in the region;

Put an end to disproportionate restrictions on freedom of assembly in Ingushetia and stop harassment of organizers of public protests.

[On civil society] the EU should recommend that Russia:

Foster an environment in which civil society can operate freely by imposing only those obligations and burdens on NGOs that are compatible with international standards and absolutely necessary, and strictly defining the terms under which the government can interfere in legitimate private citizen activity;

Amend the 2006 NGO law to streamline the registration process so that NGOs can register quickly and with little hassle, provide recourse for violations of the NGO law other than liquidation which can compel or help noncompliant NGOs to come into compliance, and remove the most restrictive and intrusive provisions of the law such as those that allow the authorities to conduct unlimited inspections and attend all NGO events;

Remove the stifling oversight of international NGOs by the government. The NGO law now requires that international NGOs give advance notice of projects and their funding, and allows the authorities, with broad discretion, to ban projects or parts of projects;

Issue standing invitations to and facilitate the work of the special procedures of the Human Rights Council, specifically: the Special Rapporteur on the Situation of Human Rights Defenders; the Special Rapporteur on Extrajudicial, Summary, or Arbitrary Executions; and the Special Rapporteur on the Independence of Judges and Lawyers;

Investigate and prosecute attacks on human rights defenders and journalists."

Recommendations for international and Russian NGOs (2009)

- FEWER recommends that humanitarian organizations devise a joint exit strategy, donors should support North Caucasus civil society and training of trainers for Russian law enforcement bodies working on missing persons, abductions and crime prevention
- IDMC recommends monitoring the achievement of durable solutions, advocating for reconciliation mechanisms, facilitating sharing of best practices, continued assistance to some IDPs and their neighbours and identifying the specific issues facing IDPs in urban areas
- Memorial recommends that international and Russian NGOs, as well as UNHCR pay particular attention to IDPs from mountainous areas and that the European Commission allocate funds for settlement of such IDPs in the plains and in the mountains, when the conditions allow

FEWER, 26 June 2009:

"For international donors, IGOs and NGOs:

UN in Russia and international humanitarian NGOs involved in North Caucasus Forum should devise a jointly owned humanitarian action plan to serve as an exit strategy to be implemented in the next 2-3 years.

Donors should align their programmes to focus on the support of North Caucasus civil society with a view to long-term empowerment for conflict prevention, rights protection, and development at the community level. It is advisable to replicate UNHCR (UNTFHS project) and the UK's CPP experience of multi-sectoral support.

Offer and provide support for the transfer of expertise and, where appropriate, training of trainers for the Russian law enforcement bodies conducting investigations on missing persons, criminal cases of abductions and disappearances, and crime prevention among youth.

Support government and NGO efforts to provide proper legal redress for people inside Russia and the region, including efforts to address impunity for crimes committed by law enforcement and security personnel.

Support civil society efforts to create a functioning state mechanism to oversee the search for missing persons, the release of the illegally detained, the identification of the remains of the dead and their dignified reburial, and rehabilitation of the relatives of victims."

IDMC, May 2009:

"Facilitate sharing of experiences and best practices among responsible authorities in the region, including on housing and education of IDPs;

Continue to provide assistance to IDPs who do not enjoy their rights on par with their non-displaced neighbours, as well as to their most vulnerable non-displaced neighbours;

Determine the outstanding issues facing IDPs living in private accommodation in urban areas;

Monitor the achievement of durable solutions for IDPs;

Advocate for the establishment of reconciliation mechanisms;

Continue to advocate for peaceful and lasting resolutions to the conflicts where relevant."

Мемориал, 15 марта 2007 г.:

"Международным, иностранным и российским гуманитарным и правозащитным организациям

Обратить внимание на ВПЛ из горных сел как группу населения Чечни, имеющую специфические проблемы и потребности и нуждающуюся в помощи.

УВКБ ООН - рассмотреть вопрос о признании этой группы мигрантов в качестве ВПЛ и включить ее в свой мандат.

Другим гуманитарным организациям - разработать и осуществить программы помощи ВПЛ, в том числе такие, как

помощь семьям, имеющим детей школьного возраста, при подготовке детей к учебному году ,
помощь в получении среднего образования молодежи, не прошедшей курс общеобразовательной школы из-за военных действий,
помощь выпускникам средних школ в получении профессионального образования,
помощь наиболее способным выпускникам средних школ в получении высшего образования,
помощь в организации малых предприятий и создании рабочих мест.
Еврокомиссии - рассмотреть вопрос о выделении средств на помощь ВПЛ из горных сел в обустройстве на равнине и в горах – в случае их добровольного возвращения.
Действующим в Чечне правозащитным организациям оказывать ВПЛ помощь в защите их прав, в том числе в вопросах регистрации, получения социальной и медицинской помощи, выплаты компенсаций, предоставления и закрепления земельных участков. Обратить особое внимание на ситуацию с регистрацией, выделением и закреплением земельных участков в с. Иласхан-Юрт."

Recommendations to the federal and Chechen governments (2009)

- IDMC urges government to ensure voluntary settlement choice of IDPs, that they undertake a profiling exercise to determine the achievement of durable solutions, ensure the views of IDPs are included in policies that affect them and implement a comprehensive livelihoods strategy for IDPs
- Other NGO recommendations on the North Caucasus focus on governance, security, rule of law and remedies for human right violations
- Specific recommendations include psycho-social rehabilitation for victims of conflicts and involving civil society in peace education

FEWER, 26 June 2009:

"For the Russian government

Governance

Design and adopt measures (e.g. through personnel policy, legislative instruments etc.) to counter the process of regression to archaic forms of governance in the North Caucasus republics.

Ensure strict financial control over expenditure of inter-budgetary transfers and subsidies.

Create real and authoritative public consultation bodies to address sensitive issues in relations between the state and civil society (e.g. prevention of enforced disappearances).

Security and Human Security

Prioritise the provision of legal assistance, redress, and rehabilitation to victims of crime.

Create a functioning state mechanism to search for missing persons and release of the illegally detained.

Re-launch the SALW and explosives buy-back programme using civil society mediators.

Widen peace education in schools across the region and invite civil society to fill existing gaps.

Make available to all who require it state-sponsored psycho-social rehabilitation for victims of conflicts.

Dialogue between the state and civil society

Incorporate conflict prevention issues in inter-faith dialogue."

IDMC, 30 May 2009:

"On durable solutions:

Ensure that in addition to return local integration and settlement elsewhere in the country are supported, and that IDPs are able to make a free choice between these options;

Undertake a comprehensive profiling exercise to determine the achievement of durable solutions

and the obstacles facing the remaining IDPs in private and government-provided accommodation in

rural and urban areas;

Design and implement programmes to adequately respond to the outstanding protection and assistance needs determined through a comprehensive profiling exercise;

Seek the advice of international experts such as the Representative of the UN Secretary General

on the human rights of IDPs and the UN Special Rapporteur on Adequate Housing on how to address

the outstanding issues facing IDPs;

Ensure the views of IDPs, including women, children, elderly and the disabled, are sought and taken

into account in the development of policies which affect them and in ongoing peace processes;

Take measures to facilitate reconciliation between communities involved in and affected by the conflict.

On access to documents:

Establish effective systems for issuing or reissuing essential documentation to IDPs, including by using official records and alternative forms of evidence available to IDPs.

On housing and other social rights:

Develop and implement a comprehensive livelihoods strategy to create income-generation opportunities for IDPs and other vulnerable groups in their current place of residence through a consultative process;

Take measures to improve security of tenure for IDPs, particularly those residing in collective centres

or in informal settlements in order to protect them from eviction;

Ensure IDPs in need of assistance can access national social welfare systems, and in particular those promoting access to housing and livelihoods opportunities.

On general protection of human rights:

Support accessible legal assistance programmes;

Allow civil society organisations that promote the protection of human rights to function freely, with

the possibility to receive funding from abroad and without excessive reporting requirements;

Implement Council of Europe, UN Treaty Body and UN Universal Periodic Review recommendations

pertaining to IDPs."

Мемориал, 4 июня 2009г.:

"Хьюман Райтс Вотч, ПЦ «Мемориал» и Правовая инициатива по России призвали российское правительство:

В полном объеме ратифицировать 14-й протокол.

Возобновить расследование по тем эпизодам, где проведенное расследование было признано Европейским судом недостаточным, и обеспечить содержательность и эффективность расследования с выходом на привлечение виновных к ответственности.

Осуществить тщательный пересмотр национального законодательства и подзаконных актов в области применения силы военными и правоохранительными структурами, обеспечив их соответствие этих норм международным стандартам в сфере прав человека. Провести детальную проверку хода расследований по фактам нарушений со стороны военнослужащих, сотрудников органов внутренних дел и других силовых структур в Чечне с целью выявления причин столь низкой эффективности работы следствия."

Memorial, 29 May 2009:

"I Carrying out adequate investigation into cases of human rights violations and bringing perpetrators to accountability.

I Having the Prosecutor General of the Russian Federation conduct a comprehensive review of the activities of enforcement agencies and the prosecutor's office in the region. In particular it is essential to look into all cases relevant to the participation of individuals in illegal armed formations, which have been investigated in those republics, and send those cases in which there is evidence of torture and illegal pressure against defendants for re-investigation and re-trial.

I Putting an end to the widespread practice of "temporary disappearances" of detained persons. In order to decrease the risk of torture as well to guarantee the legal rights of the family members of the detained, it is essential to ensure that relatives of the detained or arrested are speedily informed on their whereabouts.

I Instructing members of federal and local enforcement agencies and security services about the absolute necessity of respecting and observing human rights within the framework of their activities as well as about the accountability for following criminal orders of superior instances and employees.

I Ensuring the compliance of the state counter-terrorism activities, both on the level of normative acts and on the level of practices, to the international human rights standards and the international humanitarian law, including the European Convention for Human rights and Fundamental Freedoms, the Geneva Conventions, and the Council of Europe Guidelines on Human Rights and the Fight against Terrorism.

I Providing adequate legal and judicial protection and due compensation to victims of human rights violations.

I Effectively guaranteeing access to places of temporary and pre-trial detention for representatives of international humanitarian organizations, including the ICRC, in order to visit prisoners on conditions acceptable to those organizations.

I Cooperating with the human rights protection mechanisms and agencies of the Council of Europe and the United Nations, including the special procedures of the UN Human Rights Commission and the treaty bodies of the Council of Europe and the UN.

I Effectively cooperating with the Council of Europe Anti-torture Committee.

I Extending the necessary assistance to Russian and international human rights organizations in their human rights monitoring work in the North Caucasus. Cooperating with such organization in eliminating the climate of impunity and improving the human rights situation in the region.

I Fully implementing ECHR's decisions."

Соотечественник, 23 ноября 2008г.:

"...Мы требуем законодательно уравнивать всех русских беженцев и вынужденных переселенцев из Чечни в правах с чеченцами при выплате компенсаций за утраченное в Чечне из-за военных действий жилье и имущество...

Просим Вас:

- 1) Вынести данный вопрос на рассмотрение Общественной палаты РФ
- 2) Выступить с обращением к Президенту РФ Д.А. Медведеву для улучшения положения русских беженцев и вынужденных переселенцев из Чечни, и решения вопросов по из реальному жилищному обустройству в России.
- 3) Обратиться к Председателю Правительства РФ В.В. Путину и добиться исполнения Правительством РФ собственного решения о внесении изменений и дополнений в действующее Постановление Правительства РФ №510 от 30.04.1997 года, а также в утвержденный им "Порядок выплаты компенсаций за утраченное жилье и/или имущество гражданам, пострадавшими ее безвозвратно" (как это и было предусмотрено в п.10 Постановления Правительства РФ №404 от 7 июля 2003 года), добиться пересмотра и увеличения суммы компенсаций для вынужденных переселенцев из Чеченской республики, и привести их в соответствие с принятым Правительством РФ Постановлением №404 от 04.07.2003 года.
- 4) Обратиться к Генеральному прокурору РФ Ю. Чайке для вынесения в рамках прокурорского протеста на действие неконституционных положений, содержащихся в Постановлении Правительства РФ №510 от 30.04.1997 года."

References to the Guiding Principles on Internal Displacement

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Reference to the Guiding Principles in the national legislation

None

Other References to the Guiding Principles (in chronological order)

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"The Guiding principles on Internal Displacement place great emphasis on the freedom for IDPs to choose to return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of their country. The Guiding Principles emphasise clear responsibilities for the national authorities by remitting on them the "primary duty and responsibility to ensure the return voluntarily, in safety and with dignity, to their homes or places of habitual residence, or to resettle voluntarily in another part of their country." of resettled internally displaced persons".

Source: UNHCR

Date: 30 June 2007

Official support to the Guiding Principles: In a meeting with the Representative of the UN Secretary-General on internally displaced persons, Francis M. Deng, the Representative stated that the Russian Government has a clear responsibility vis-à-vis the displaced and intended to continue to cooperate with the United Nations. He stated that the Russian Government has a clear responsibility vis-à-vis the displaced and intended to continue to cooperate with the United Nations. He stressed that it was important also to have a national framework to address the IDP issue, and that it should be based on the Guiding Principles. Source: *Guiding Principles: Annotations* by Professor Walter Kälin, which had been translated into Russian. The Annotation on internally displaced persons, Francis M. Deng. Source: The Representative of the UN Secretary-General on internally displaced persons, Francis M. Deng. Date: September 2003

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[Guiding Principles: Annotations](#), by Professor Walter Kälin (Russian version) [Internet]

International Conference on Internal Displacement in the Russian Federation: The Conference was organized by the Institute of State and Law of the Russian Academy of Sciences, the Institute of Migration, and the Brookings Institution Project on Internal Displacement. The 70 participants included government officials, representatives of internally displaced communities, local academics and lawyers, representatives of regional and international organizations and the Representative of the UN Secretary-General on Internally Displaced Persons. The Guiding Principles were acknowledged as a basis for national legislation and regulations. Participants also recommended that the Guiding Principles should serve as a framework for national legislation. Source: The Brookings Institution Project on Internal Displacement - Institute of State and Law of the Russian Academy of Sciences. Date: 25-26 April 2002

Documents:

· [Concluding Statement - International Conference on Internal Displacement in The Russian Federation](#) [Internet]

Availability of the Guiding Principles in local languages

The Guiding Principles have been translated into the Russian language.

Date: 1998

Documents:

- [GP in Russian](#) [Internet]
 - [Handbook for Applying the Guiding Principles on Internal Displacement \(OCHA, Brookings\), Russian Version](#) [Internal link]
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None

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