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RUSSIAN FEDERATION: CHECHEN REPUBLIC

AMNESTY INTERNATIONAL'S RECOMMENDATIONS TO THE GOVERNMENT OF THE RUSSIAN FEDERATION

THE RUSSIAN GOVERNMENT MUST PROTECT CIVILIANS OF CHECHNYA AND THOUSANDS OF DISPLACED PEOPLE FLEEING THE BOMBING.

THE GOVERNMENT SHOULD STOP ITS INTIMIDATION CAMPAIGN AGAINST CHECHENS AND PEOPLE FROM THE CAUCASUS IN MOSCOW AND ELSEWHERE IN THE RUSSIAN FEDERATION.

Amnesty International is deeply concerned that the continuing bombing in Chechnya carried out by the Russian military over recent weeks has resulted in civilian deaths and thousands of displaced people fleeing the Chechen Republic. The air raids began following the recent apartment explosions in Moscow and two other Russian cities, which killed at least 292 people, and which have been attributed by the Russian government to Islamic groups from the Chechen Republic, but for which no group has yet claimed responsibility. The organization is concerned that the Russian government's response to the apartment bombings appears to be a campaign to punish an entire ethnic group. "Fighting crime and terrorism" is no justification for violating human rights.

While Amnesty International takes no position on the reason for armed conflicts, or the resort to the use of force *per se*, it does call on all parties to a conflict to abide by international humanitarian law. The organization reports on and takes action against specific human rights abuses occurring in situations of conflict, including deliberate or indiscriminate killing of civilians, detention without charge or trial, the torture, ill-treatment or extrajudicial execution of persons detained, including soldiers or other combatants who are *hors de combat*, the use of the death penalty, the taking of hostages or the "disappearance" or abduction of any person.

International humanitarian law prohibits deliberate attacks on civilians and civilian sites. It also requires stringent safeguards when carrying out attacks against military objectives, including giving effective advance warning of attacks which may affect the civilian population. The Russian military has stated that its air attacks on Chechnya are aimed at legitimate military targets, which were strongholds of Islamic armed guerilla groups in the Chechen Republic. Russian military officials have denied targeting civilians and civilian sites during the air attacks.

On 28 September, authorities in the Chechen Republic claimed that since the beginning of the bombing, 400-500 civilians had been killed and over 1000 wounded, with half of those killed and wounded allegedly women and children. By 14 October, the number of reported civilian deaths had risen to some 2000. For example, it was alleged that during the air raids on 27 September, the Russian military bombed a school and housing estates in the town of Staraya Sunzha, in the north of the capital Grozny: 21 civilians were reportedly killed and 44 wounded. During an air strike on 24 September along the Rostov-Baku highway in the area of the town of Samashki, eight civilians travelling on a bus were allegedly killed. Reports from Chechnya claimed that a number of areas with heavy civilian concentration, including a television station, have been subjected to shelling. Amnesty International is not able to assess the exact number of civilian casualties or to determine the circumstances surrounding their deaths because the current security situation makes it very difficult for independent media and human rights observers to obtain access to Chechnya. However, available reports on several incidents suggest that Russian forces are not taking all necessary precautions to protect civilians.

The intensified air raids have driven, according to official estimates, around 170,000 men, women and children to flee Chechnya, with more than 146,000 of them sheltering in the neighbouring Russian Federation's Republic of Ingushetia, according to the Russian Ministry for Emergency Situations; there are a further 12,000 currently in North Ossetia, and 10,000 in the Republic of Dagestan. The Ministry for Emergencies Situations stated on 7 October that 43,582 displaced persons had been registered in Ingushetia. However, Amnesty International is concerned about reports that the majority of civilians who fled the bombing do not have any special status as internally displaced people and therefore do not have regular access to medical care and social services. On 10 October an official in the Ingush Health Ministry reported that an eight-month old child in a Chechen family of internally displaced had died of exposure. The child's family had no roof over their heads for three weeks. According to reports, internally displaced people in Ingushetia have complained about a lack of food, water and shelter, and have said that they are not being allowed out of Ingushetia. Soldiers at one checkpoint on the Ingush border reportedly stated that they had orders not to let anyone out who had a residence permit for the Chechen capital Grozny, no matter what their nationality.

At the same time, in September Russian law enforcement officials and local authorities in Moscow and other big cities launched what appeared to be a massive intimidation campaign to enforce the unlawful practice of "resident permits" or "registration", which allegedly targeted mainly Chechens and other people from the Caucasus. Reports suggested that up to 20,000 non-Muscovites were rounded-up by the Moscow police and more than half of them were refused official registration and a resident permit. Officials in Moscow claimed that some 10,000 non-Muscovites who lacked resident permits and were refused registration, have been deported from the city. Reports over the past three weeks indicated deliberate targeting, detention and expulsion, including incidents of ill-treatment in custody of Chechens and other people from the Caucasus by Russian law enforcement officials and the local authorities in Moscow and other big cities in the Russian Federation.

Amnesty International has called repeatedly on the Russian authorities to stop the use of the so-called "*propiska*" system (resident permit) in the Russian Federation. The resident permit system, although legally abolished in 1991 in national law, continues to be enforced by the local authorities in Moscow, St Petersburg and other big cities, which reinforced strict rules, requiring

prior official permission for residence. Migrants, internally displaced persons or asylum-seekers who lack resident permit do not enjoy regular access to medical care, education and social services and are often subjected to arbitrary arrest and forcible expulsion by the law enforcement officials.

Amnesty International is urging the Russian Government to implement, as a matter of urgency, the following recommendations:

- **The Russian Government should comply with the provisions of international humanitarian law regarding the protection of civilians during armed conflict, which prohibits attacks on civilians and civilian sites. The Russian military should take sufficient precautions to protect civilians in selecting and vetting targets, in choosing the timing of its attacks, in giving an advance warning to civilians. Other rules require specific precautions to be taken when launching attacks, including desisting from an attack if it becomes apparent that the objective is not a military one or the attack risks being disproportionate to the military objective.**
- **The Russian Government should comply with its other commitments to protect human rights in times of armed conflicts, including the OSCE Code of Conduct on Politico-Military Aspects of Security adopted in December 1994. The Russian Government should comply with its commitments on respect human rights, given to the Council of Europe upon Russia's acceptance to the Council in February 1996, including the commitment to "respect strictly the provisions of international humanitarian law, including in cases of armed conflicts on its territory".**
- **The Government should take measures to stop the campaign of intimidation against Chechen civilians and other people from the Caucasus who reside in Moscow and other cities of the Russian Federation, including the practice of unlawful arrests, denial of registration and resident permits and forcible expulsions. The Federal Government should uphold and enforce the 1998 Constitutional Court's decision ruling illegal the use of resident permits and a resident registration system in Moscow and the whole territory of the Federation. The Government should inform all local government and law enforcement officials regarding the prohibition of resident permits.**
- **The Russian authorities should hold a comprehensive and impartial investigation into the allegations of targeting civilians and civilian sites in the course of the bombing of Chechnya and bring all military and government officials responsible to justice.**
- **The Russian authorities should investigate the reports and allegations of unlawful and arbitrary arrest and detention of civilians in Moscow and other cities, including allegations of ill-treatment of people in custody by law enforcement officials. The authorities should bring all officials responsible for these abuses to justice.**
- **The Government should take all steps to ensure access and to guarantee the safety of independent media and human rights monitors to the Chechen Republic.**
- **Amnesty International calls on the Government of the Russian Federation to take immediate steps towards providing protection and necessary assistance to all 170,000 internally displaced people, who are fleeing the conflict in Chechnya to the neighbouring republics of the Federation, such as over 146,000 Chechen civilians who are currently in the Republic of Ingushetia; 12,000 in North Ossetia, and 10,000 in the Republic of Dagestan. In these efforts, the Russian Government should follow**

the provisions of the **Guiding Principles on Internal Displacement**, outlined in the report by the Representative of the Secretary-General, Francis Deng, to the 54th session of the Commission on Human Rights in 1998.¹ In particular, Amnesty International calls on the Russian authorities to comply with the following principles:

In accordance with **Principle 1(1)**, the Russian Government should ensure that:

“Internally displaced persons ... enjoy, in full equality, the same rights and freedoms under international and domestic law as do other persons in their country. They shall not be discriminated against in the enjoyment of any rights and freedoms on the ground that they are internally displaced.”

In accordance with **Principle 3**, the government of the Russian Federation has “the primary duty and responsibility to provide protection and humanitarian assistance to internally displaced persons within (its) jurisdiction.” **Principle 3(2)** provides for the right of internally displaced persons “to request and to receive protection and humanitarian assistance from these authorities. They shall not be persecuted or punished for making such a request.”

In accordance with **Principle 4(2)**, the Russian Government should take steps to ensure that:

“Certain internally displaced persons, such as children, especially unaccompanied minors, expectant mothers, mothers with young children, female heads of household, persons with disabilities and elderly persons, shall be entitled to protection and assistance required by their condition and to treatment which takes into account their special needs.”

In accordance with **Principle 12**, the Russian Government should respect the right of every person to liberty and security of person and that no one shall be subjected to arbitrary arrest or detention. Therefore, the Russian Government should ensure that internally displaced persons are not “interned in or confined to a camp. If in exceptional circumstances such internment or confinement is absolutely necessary, it shall not last longer than required by the circumstances.”

The Russian Government should comply particularly with the provisions of **Principle 14** and should ensure that every internally displaced person enjoys the right to liberty of movement and freedom to choose his or her residence. The same principle also provides for the right of internally displaced persons to move freely in and out of camps and other settlements.

The Russian authorities should ensure respect for the rights of the internally displaced persons provided for in **Principle 15**, and in particular:

- The right to seek safety in another part of the country;
- The right to leave their country;
- The right to seek asylum in another country; and
- The right to be protected against forcible return to or resettlement in any place where their life, safety, liberty and/or health would be at risk.

¹ See “*Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission on Human Rights, Mass Exoduses and Displaced Persons. Report of the Representative of the Secretary-General, Mr. Francis M. Deng, submitted pursuant to Commission resolution 1997/39*,” Commission on Human Rights, 54th session, 11 February 1998. UN Doc. E/CN.4/1998/53/Add.2.

Following the provisions of Principle 18, the Russian authorities should ensure that all internally displaced persons enjoy the right to an adequate standard of living. Principle 18(2) provides that “at the minimum, regardless of the circumstances, and without discrimination, competent authorities shall provide internally displaced persons with and ensure safe access to: (a) Essential food and potable water; (b) Basic shelter and housing; (c) Appropriate clothing; and (d) Essential medical services and sanitation.”

The Russian Government should take steps to ensure respect for the right of every internally displaced person to recognition everywhere as a person before the law. In order to fulfil this, the Russian authorities should follow the provisions of Principle 20, which require that:

“... the authorities concerned... issue to them all documents necessary for the enjoyment and exercise of their legal rights, such as passports, personal identification documents, birth certificates and marriage certificates. In particular, the authorities shall facilitate the issuance of new documents or the replacement of documents lost in the course of displacement, without imposing unreasonable conditions, such as requiring the return to one’s area of habitual residence in order to obtain these or other required documents.”

Principle 23 provides for the enjoyment of the right to education and obliges the national authorities to ensure “that such persons, in particularly displaced children, receive education.” The Russian Federal Government should also comply with the provisions of Principle 25, which regulates that “the primary duty and responsibility for providing humanitarian assistance to internally displaced persons lies with the national authorities.”