

# THE COMMONWEALTH OF INDEPENDENT STATES

## REFUGEES AND INTERNALLY DISPLACED PERSONS IN ARMENIA, AZERBAIJAN, GEORGIA, THE RUSSIAN FEDERATION, AND TAJIKISTAN

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## SUMMARY

Armed violence and violations of human rights have led to waves of population displacement in the Soviet Union and many of the countries of the Commonwealth of Independent States (CIS) on a scale unseen since World War Two. In the late 1980s, previously rigid and centralized government control relaxed and weapons became more readily available, leading to the outbreak of some ten armed conflicts or eruptions of sustained, organized violence that lasted from several weeks to eight years. None of these conflicts has been fully resolved, and some of them rage on today. Combined with human rights violations, principally ethnic discrimination, hundreds of thousands of CIS residents have been forced to flee armed conflict both within states and across international borders.<sup>1</sup> Waves of asylum-seekers from non-CIS countries have added to the massive displacement.

The failure of peace negotiations or political agreements to make safe repatriation possible and the changing nature and poor implementation of legal protections accorded to refugees and asylum-seekers have created a fluid and uncertain situation for these people. Local governments in cooperation with the United Nations and/or the Organization for Security and Cooperation in Europe (OSCE) have provided protection in many situations, but much of the repatriation that has taken place has been spontaneous and unsupervised and has been accompanied by human rights abuse, making current prospects for full and safe repatriation bleak.

At this crucial historical juncture, Human Rights Watch/Helsinki welcomes the Regional Conference to Address the Problems of Refugees, Displaced Persons, Other Forms of Involuntary Displacement and Returnees in the Countries of the Commonwealth of Independent States and Relevant Neighbouring States, to be held May 30-31, 1996, in Geneva, Switzerland, and co-sponsored by the United Nations High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and the OSCE. We see it as an important opportunity to bring much needed attention to the concerns of refugees and IDPs in the CIS. We also applaud the steps some CIS governments have taken in the preparatory stages of the conference to improve their ability to meet the special needs of this vulnerable community by strengthening legal protections for them and by reorganizing or fortifying government infrastructure to receive them.

At the same time, it is clear that the desire to ameliorate the problems of the region's refugees and IDPs can be realized only through the adoption of explicit, specific, and viable recommendations for action, and through rigorous implementation of them. We are therefore profoundly distressed that all of the policy recommendations presented in original drafts of the May 1996 CIS Migration Conference documents were ultimately cut from the final version of the Programme of Action. Given the scale and complexity of the region's migration problems, the aspirations outlined in the most recent Programme of Action are infinitely less meaningful than solutions and vigilant monitoring of implementation of existing obligations. We protest the removal of the draft recommendations as a serious abdication of responsibility and commitment to effecting solutions, and as the squandering of a valuable opportunity to open proposed recommendations to general discussion and possible immediate adoption. We hope that this report — a summary of Human Rights Watch/Helsinki's migration-related documentation and policy recommendations — will help focus attention on the human rights problems these groups are facing and help define an effective course of action to resolve them.

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<sup>1</sup> These armed conflicts took place or are currently going on in Sumgait and Baku (Azerbaijan) in 1988 and 1990, respectively; Nagorno-Karabakh and provinces of Azerbaijan, from 1989 to the present; Farghona region in Uzbekistan (1989); Osh region (Kyrgyzstan) in 1990; South Ossetia (Georgia) in 1990-92; Moldova (1992-93); Tajikistan (1992 to the present); North Ossetia (Russian Federation) in 1992; Abkhazia (Georgia) in 1992-94; and Chechnya (Russian Federation), from 1994 to the present.

Likewise, while creative discussion is always to be encouraged, we believe that the definition of refugees and IDPs that exists under international law is adequate for discussion purposes at the May conference. We are therefore concerned from a legal standpoint by the five additional categories of CIS migrants proposed in the conference's most recent Programme of Action — repatriants, involuntarily relocated persons, formerly deported peoples, ecological migrants, and illegal migrants in transit — because they might be used to give unwarranted preferential treatment to one category of migrants over another. For a more detailed discussion of this position, *see* "Legal Background." Human Rights Watch/Helsinki is similarly distressed by a gap between the admirable goals for protection outlined in the Conference Programme of Action document and the likely ability of any of the CIS states to realize these goals in the foreseeable future.

Since 1992, Human Rights Watch, an international, independent human rights organization in consultative status with ECOSOC, has investigated and reported on violations of international humanitarian law (the laws of war) and violations of civil and political rights in most of the CIS countries; it has also monitored and reported on all of the major armed conflicts in the region, each of which generated outflows of refugees and internally displaced persons (IDPs) — protected individuals under international law. Human Rights Watch/Helsinki sees human rights monitoring and reporting as a critical way to help prevent the violence and persecution that causes forced displacement as well as to evaluate the safety of government protection for individuals attempting to return to their homes. The documentation presented here is drawn from Human Rights Watch/Helsinki field investigations and additional monitoring<sup>2</sup> in Azerbaijan,<sup>3</sup> Georgia (South Ossetia<sup>4</sup> and Abkhazia<sup>5</sup>); the Russian Federation (Chechnya and Dagestan,<sup>6</sup> North

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<sup>2</sup> The overwhelming majority of refugees and IDPs who fled the eastern region of the Republic of Moldova, which since its victory call itself the Dniester Moldovan Republic, during the 1992 territorial battle over control of the Dniester region have either returned to their homes or settled semi-permanently in their temporary places of asylum. Human Rights Watch/Helsinki has not completed follow-up work on the status of these displaced individuals and therefore will not attempt to treat their plight here.

<sup>3</sup> *See Bloodshed in the Caucasus: Escalation of the Armed Conflict in Nagorno Karabakh*, Human Rights Watch/Helsinki, September 1992; *Azerbaijan: Seven Years of Conflict in Nagorno-Karabakh*, Human Rights Watch/Helsinki, December 1994; and *Playing the "Communal Card." Communal Violence and Human Rights*, Human Rights Watch, April 1995, pp. 142-153.

<sup>4</sup> *See Bloodshed in the Caucasus: Violations of Humanitarian Law and Human Rights in the Georgia-South Ossetia Conflict*, Human Rights Watch/Helsinki, March 1992.

<sup>5</sup> *See* "Georgia/Abkhazia: Violations of the Laws of War and Russia's Role in the Conflict," Human Rights Watch Arms Project & Human Rights Watch/Helsinki, Vol. 7, No. 7, March 1995; and "Russia: War or Peace? Human Rights and Russian Military Involvement in the "Near Abroad," Vol. 5, Issue 2, December 1993.

<sup>6</sup> *See* "Russia: Russia's War in Chechnya: Victims Speak Out," (January 1995, Vol. 7, No. 1); "Russia: War in Chechnya: New Report from the Field," (January 1995, Vol. 8, No. 2); "Russia" Three Months of War in Chechnya," (February 1995, Vol. 7, No. 6); "Russia: Partisan War in Chechnya on the Eve of the WWII Commemoration," (May 1995, Vol. 7, No. 8); and "Russia (Chechnya and Dagestan): Caught in the Crossfire. Civilians in Gudermes and Pervomayskoye," (March 1996, Vol. 8, No. 3 (D)). The January 1996 mission to Dagestan was conducted jointly with the independent, Moscow-based Memorial Human Rights Center.

Ossetia,<sup>7</sup> Krasnodar and Stavropol districts,<sup>8</sup> and Moscow and Moscow region<sup>9</sup>); and Tajikistan and refugee camps for Tajikistan refugees in northern Afghanistan.<sup>10</sup>

Refugees and IDPs who are currently in the CIS face several layers of problems and challenges, including the following:

- Continued danger of violence or persecution, including territorial dangers such as land mines, which prevent full and safe repatriation;
- Fear of reprisals from law enforcement authorities in the host region, particularly in the Russian Federation and Tajikistan;
- Insufficient access to the asylum process caused by inadequate finances, weak administrative infrastructure, corruption, bureaucratic disorganization, and unchecked ethnic discrimination;
- Apathy, fear and, in some cases, poverty that inhibit asylum-seekers from registering with the appropriate refugee/IDP reception agencies;
- Government failure to honor its obligations to registered refugees to provide housing, permission to work, and equal protection under the law, resulting in inadequate housing, food, clothing, and medicine, and, in some parts of the Russian Federation, to provide access to civic services such as the right to register births and marriages;
- In all affected countries, inadequate or inconsistent enforcement of existing legal obligations governing the protection of refugees and IDPs;
- In some affected countries, the government's failure to accede to international instruments governing protection or to adopt adequate domestic legal protections for refugees, IDPs and asylum seekers;

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<sup>7</sup> See *The Ingush-Ossetian Conflict in the Prigorodnyi Region*, Human Rights Watch/Helsinki, May 1996.

<sup>8</sup> Preliminary findings from a Human Rights Watch/Helsinki field investigation conducted in the region in March 1996 are presented here; a full report will follow.

<sup>9</sup> See "Russia: Crime or Simply Punishment? Racist Attacks by Moscow Law Enforcement," Human Rights Watch/Helsinki, Vol. 7, No. 12, September 1995.

<sup>10</sup> See also "Tajikistan: Tajik Refugees in Northern Afghanistan: Obstacles to Repatriation," Human Rights Watch/Helsinki, Vol. 8, No. 6, May 1996; "Return to Tajikistan: Continued Regional and Ethnic Tensions," Human Rights Watch/Helsinki, Vol. 7, No. 9, May 1995; *Human Rights in Tajikistan: In the Wake of Civil War*, Human Rights Watch/Helsinki & Memorial, December 1993; *Conflict in the Soviet Union: Tadzhikistan*, Helsinki Watch, July 1991.

- The persistent and illegal enforcement of residence permit (*propiska*) and exit permit (*vypiska*) requirements in some parts of the CIS;
- *Refoulement* from the Russian Federation;<sup>11</sup>
- Impeded ability of refugees to leave refugee camps in northern Afghanistan, run by the Tajik political opposition; and
- The imposition of "filtering" mechanisms by local authorities that create unwarranted barriers to repatriation in Abkhazia (Georgia) and North Ossetia (the Russian Federation).

Perhaps most alarming are the instances of overt hostility toward or attacks on refugees and IDPs by host governments. These are seen in cases of *refoulement*; bans on repatriation of some refugees from Tajikistan currently residing in opposition-run camps in northern Afghanistan; restrictions on the right to return home in Abkhazia; and state-sponsored or condoned police harassment, abuse, and expulsion of refugees, IDPs and asylum seekers.

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<sup>11</sup> The Republic of Uzbekistan is also known to have engaged in *refoulement*.

## RECOMMENDATIONS

Human Rights Watch/Helsinki respectfully submits the following recommendations for action:

### **To the Governments of Armenia, Azerbaijan, Georgia, the Russian Federation and Tajikistan:**

- Allow all asylum-seekers equal access to the asylum review process and to have their claims of persecution reviewed and adjudicated in conformity with international legal standards;
- Conduct thorough investigations of attacks on and threats and discrimination against returning refugees and IDPs and vigorously prosecute the perpetrators;
- Investigate and prosecute vigorously the perpetrators of acts of violence that led to large-scale flight from armed conflict as a necessary step toward rebuilding trust in authorities controlling former or current war zones;
- Insure the return of all illegally occupied property and punish those who refuse to return such property;
- Repeal all existing residence requirements, and discipline civil servants who continue to deny individuals basic rights or access to services or in any other way enforce residence requirements;
- For countries that have not already done so, declare a ban or moratorium on use of anti-personnel land mines as a measure toward removing this serious obstacle to free movement and repatriation of displaced persons from areas of conflict;
- Strengthen protection of human rights, with particular attention to the rights of ethnic minorities;
- Investigate and punish individuals who confiscate goods intended as humanitarian assistance; and
- Assist in distributing and/or broadcasting to refugees and IDPs from or within their country public reports prepared by the OSCE regarding local human rights and safety conditions.

Human Rights Watch/Helsinki respectfully submits the following additional recommendations:

### **To the Government of the Russian Federation:**

- Cease immediately the practice of *refoulement*;
- Cease immediately the violations of the laws of war governing non-international conflict perpetrated in Chechnya — such as attacks on civilians and civilian structures, torture and other forms of abusive treatment of detainees, and widespread looting — which cause forced displacement and prevent safe repatriation;
- Cease immediately the practice of demanding arbitrary re-registration of refugee status by the Federal Migration Service; status may be revoked only under the conditions set out in the 1951 Convention Relating to the Status of Refugees;
- Publicly denounce racial discrimination and all violations of the International Convention on the Elimination of All Forms of Racial Discrimination and introduce a vigorous education and training campaign for civil servants in order to improve implementation of these protections;
- Cease immediately arbitrary and discriminatory identity checks and raids by law enforcement agents;

- Establish and enforce penalties for law enforcement agents and Cossacks and other paramilitary groups, to the extent that the latter operate under the authority of the Russian government, who commit racially discriminatory acts or acts of violence; and
- Act decisively to carry out Presidential Decree No. 2131 allowing for partial return of displaced ethnic Ingush to their homes in the Prigorodnyi region of North Ossetia, and work to return all people displaced from the Prigorodnyi region to their homes.

**To the Government of Tajikistan:**

- Strengthen protection of returnees, publicly condemn acts of violence or discrimination against them, and prosecute perpetrators of such acts to the fullest extent of the law; and
- Insure that goods and other humanitarian assistance are provided to returnees and IDPs equitably throughout the regions of Tajikistan.

**To the Tajik Opposition:**

- Lift the ban against repatriation from opposition-controlled camps in Afghanistan that has been in place since November 1995;
- Stop the use of threats and violence to prevent or discourage the voluntary repatriation of refugees;
- Grant access on demand to the refugee camps in Konduz and Takhar to the UNHCR and NGOs including Médecins sans Frontières/Belgium for the purpose of improving access to humanitarian assistance and, in the case of the UNHCR, of providing all Tajikistan refugees in Afghanistan complete and balanced information about the conditions in Tajikistan on the basis of which they can freely make an informed decision on the issue of voluntary repatriation.

**To the International Community:**

- Publicly condemn the ongoing violations of human rights and humanitarian law that have caused forced population displacement in the CIS and that impede safe return to such areas;
- Closely monitor the compliance of the affected CIS countries with their obligations under human rights and humanitarian law to protect refugees and IDPs and to provide for their needs;
- Use compliance with such obligations as a condition of all non-humanitarian assistance in bilateral agreements with these countries;
- Support efforts both diplomatically and financially to clear land-mines from areas in the CIS from which populations have been forced to flee and to administer victim assistance programs.

**To the U.N. High Commissioner for Refugees:**

- Expand work in the CIS, and in the Russian Federation in particular, to offer protection and assistance to refugees and asylum-seekers from CIS countries, as opposed to those from non-CIS countries;
- Work with the international community toward drafting an additional protocol to strengthen existing legal protections for internally displaced persons;

- Offer training courses for authorities in affected governments responsible for the asylum process, with a specific eye to raising understanding of legal protections for refugees and IDPs, improving efficiency, and holding accountable government officials who impede equal access to the process;
- For the purposes of monitoring safety, keep complete and updated records of addresses of repatriating refugees before they re-enter their country of origin;
- Closely monitor conditions of repatriation by comprehensively completing regular follow-up visits to returnees (in the case of Tajikistan, to the extent that this monitoring function is not being filled by the Organization on Security and Cooperation in Europe);
- Maintain a presence in the Sakhi refugee camp near Mazar-I-Sharif in Balkh province, Afghanistan;
- Cease the practice of reducing food and fuel rations to refugees in the Sakhi camp as a means of coercing repatriation, and immediately resume providing at least minimum rations under the guidelines of international organizations such as Médecins Sans Frontières and the World Food Programme; and
- In light of the arbitrary and discriminatory requirements imposed on IDPs from Abkhazia (Georgia) in the past by the UNHCR as well as by Abkhazian, Georgian and Russian authorities, condemn and remove any measures regulating repatriation to Abkhazia that restrict the rights of displaced persons to return to their homes, and insure that any individual residing in Abkhazia prior to the outbreak of hostilities be allowed to return to Abkhazia unconditionally.

**To the U.N. High Commissioner for Human Rights:**

- Contact the governments of Armenia, Azerbaijan, Georgia, the Russian Federation, and Tajikistan to condemn all violations of or attacks on human rights and international humanitarian law, and call for all those who have committed violations of human rights in these countries be brought to justice; and
- Request the U.N. Centre for Human Rights to deploy human rights monitors to Abkhazia, with the primary goals of making regular, public reports on their findings and disseminating them among the refugee and IDP populations.

**To the U.N. Special Rapporteur on Impunity:**

- Elaborate on mechanisms to pursue criminal accountability for violations of or attacks on human rights and international humanitarian law in Armenia, Azerbaijan, Georgia, the Russian Federation, and Tajikistan.

**To the Organization on Security and Cooperation in Europe:**

- Issue regular, public reports on the human rights situations and general safety conditions in Georgia, Tajikistan, and Chechnya, translate them into the appropriate local languages, and distribute or broadcast them with the help of local authorities to make this independent and comprehensive information broadly available to potential returnees;
- Fully staff the OSCE field offices in Kurgan Teppe and Bokhtar, Tajikistan, on a priority basis, and actively monitor the human rights situation of returning refugees and internally displaced persons in Dushanbe; and
- Develop mechanisms to implement OSCE standards concerning individual accountability for violations of humanitarian law and human rights in accordance with the 1994 Code of Conduct on Military Aspects of the OSCE.



## LEGAL BACKGROUND

Important efforts have been made in the drafting stages of the Conference's Programme of Action to take into account the complex circumstances that have generated population displacement in the region and thus to craft new or more adequate definitions of categories of migrants in the CIS. At the same time, it is important to recall the internationally accepted definitions of refugees and internally displaced persons and standards for treatment of these individuals in countries of asylum in order to set a point of departure for further discussion. A comprehensive discussion of refugee-related law is not called for here. This section of the report will merely highlight the status of human rights and refugee-related legal obligations adopted at the international and domestic levels in Armenia, Azerbaijan, Georgia, the Russian Federation, and Tajikistan (*see* Appendix).

At its most basic level, refugee law is predicated on the concept of flight from well-founded fear of persecution. It also differentiates between individuals who cross an international border in their flight ("refugees")<sup>12</sup> or are forced from their homes but remain in their country of residence ("internally displaced persons").

The laws of war distinguish "internal" or "non-international" armed conflicts from "international," and the protections offered refugees and internally displaced persons generated by such conflicts differ somewhat accordingly. In international armed conflicts, individual or mass forcible transfers and deportations of inhabitants of occupied territory to another country are prohibited. Such persons may be evacuated if their security or imperative military reasons so demand, but proper accommodations must be provided.<sup>13</sup>

The 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol, together with the Universal Declaration of Human Rights, create a core of refugee rights and a normative, binding standard for their protection by signatories. Among other fundamental protections, the Universal Declaration enshrines the "right to seek and enjoy asylum" (Article 14). The right to protection from *refoulement* has acquired the status of customary international law. Article 11 (1) of the Convention defines the principle thus: "No Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion." *Non-refoulement* protections apply both after entrance into the country of refuge and at its border. Protections and rights accorded civilians in times of war under international humanitarian law also apply to refugees.

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<sup>12</sup> The Convention defines a refugee as a person who, "owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence [as a result of such events], is unable or, owing to such fear, is unwilling to return to it" (Article 1).

<sup>13</sup> IV Geneva, Article 49. Human Rights Watch has consistently maintained that similar requirements apply in conflicts not of an international character, as well.

In addition, Contracting States to the 1951 Convention are required to “apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin” (Article 3).

Another fundamental principle of international refugee law is that asylum seekers should have fair access to status-determination procedures, assistance in presenting their claims, and an opportunity for independent appeal or review of a negative decision. Host countries must assist applicants in obtaining the necessary documents (Article 25, Convention) and issue identity papers to refugees who do not obtain other valid travel documents (Article 27). Human Rights Watch/Helsinki believes that the circumstances of flight often make provision of appropriate documentation of “well founded fear of persecution” difficult; thus, a generally credible asylum seeker who provides coherent, consistent statements should be accorded the benefit of the doubt in status determination procedures. This position derives from the Convention's insistence on assistance in documentation and in not penalizing illegal entry.

Other international instruments may be relevant depending upon the circumstances causing flight. The 1984 U.N. Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment prohibits expulsion, return or extradition where there is danger of being subjected to such mistreatment (Article 3).<sup>14</sup> Article 22 of the 1989 U.N. Convention on the Rights of the Child provides for protection of refugee children and assistance in securing family reunification, when possible.<sup>15</sup>

There is no internationally accepted legal definition of internally displaced persons; however, a reasonable working definition is “persons who have been forced to flee their homes suddenly or unexpectedly in large numbers, as a result of armed conflict, internal strife, systematic violations of human rights or natural or man-made disasters; and who are within the territory of their own country.”<sup>16</sup> Thus, internally displaced persons are generally understood to include individuals who would have qualified as refugees if they had crossed an international border.

Likewise, as the U.N. concluded in a report to the Commission on Human Rights on February 2, 1995, “There is at present no clear formulation of the legal principles applicable to internally displaced persons and no instrument

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<sup>14</sup> According to Article 3, “No State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”

<sup>15</sup> Among other obligations, Signatory States must “protect and assist a [refugee] child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason” (Article 22).

<sup>16</sup> Analytical Report of the Secretary-General on internally displaced persons, E/CN.4/1992/23.

focused on their particular needs.”<sup>17</sup> There is, however, an apparent consensus within the international community about the need to codify, standardize and evaluate the efficacy of existing protections, and to make amendments as needed.<sup>18</sup>

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<sup>17</sup> Report of the Representative of the U.N. Secretary-General on Internally Displaced Persons to the Commission on Human Rights, “Further Promotion and Encouragement of Human Rights and Fundamental Freedoms, Including the Question of the Programme and Methods of Work of the Commission: Human Rights, Mass Exoduses and Displaced Persons,” U.N. Economic and Social Council, 2 February 1995, E/CN.4/1995/50, p. 30.

<sup>18</sup> *Ibid.*

One recent such evaluation concluded that “internally displaced persons currently lack protection under international law principally in situations that are below the threshold of application of humanitarian law and in which, simultaneously, human rights guarantees crucial for the displaced are legitimately derogated or restricted. A similar type of legal vacuum may exist in the case of States that have not ratified key treaties codifying human rights and humanitarian law. Lack of legal protection for the internally displaced also exists in situations other than armed conflict where nongovernmental actors exert control or influence. In such cases, which can involve violence induced by private actors, abuses will generally not constitute international human rights violations, but infractions of a country’s domestic laws.”<sup>19</sup>

General standards of protection and a basic corpus of rights for internally displaced persons can be derived by analogy from the 1951 Convention Relating to the Status of Refugees and its 1967 Protocol (including the rights to seek refuge in a safe area of the country, to *non-refoulement* to areas of danger, to freedom of movement, and to voluntary return) and from existing instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social, and Cultural Rights (1966), the four Geneva Conventions of 1949 and their two Additional Protocols (1977). Article 17 of Additional Protocol II, for example, prohibits parties from compelling displaced persons to leave the area for reasons related to the conflict. As a rule, the category of internally displaced persons is inadequately addressed in federal legislation in the CIS states, where it is sometimes confused with refugees or not treated at all. As a rule, the plight of internally displaced persons can be greatly mitigated by proper enforcement of human rights and humanitarian law.

Human Rights Watch/Helsinki is concerned that, while some domestic legislation in CIS countries has proven a welcome step toward strengthening current obligations, it all too often contradicts or restricts rights enshrined in international law. Definitions can fail to conform to internationally agreed upon standards and muddy the legal waters as to the state’s obligations. The CIS Moscow Agreement on the Protection of Refugees and Displaced Persons, for example, extends the definition of refugee defined in the U.N. Convention specifically to include victims of armed conflicts. However, legislative acts adopted by some CIS member nations make criteria for determining refugee status more restrictive. For example, Article 1 of the Russian Law on Refugees (February 19, 1993) stipulates that a person is a refugee only if he has fled “as a result of acts of violence or persecution in other forms *committed against that person*, or a real threat that *the individual in question* will be subjected to violence or other persecution” (emphasis added) — an unlawfully stringent test.

Most important, Human Rights Watch/Helsinki notes the gaping chasm between existing obligations to protect and provide for refugees and IDPs among the CIS nations in question and their compliance with them.

Human Rights Watch/Helsinki believes that, while it is useful to discuss existing legal definitions to ensure they remain adequate to the challenges of changing realities, separate categories, such as those featured in some domestic legislation, are not warranted. Indeed, these categories, if inconsistent with the anti-discrimination principle of Article 27 of the International Covenant on Civil and Political Rights, would be in violation of international law whether applied to refugees or IDPs.

### THE RESIDENCE PERMIT (*PROPISKA*) SYSTEM

Although the origins of the residence permit (in Russian, *propiska*) system predate the Bolshevik Revolution, it was instituted in the Soviet Union in 1932 when internal passports became mandatory for all Soviet citizens aged sixteen and older.<sup>20</sup> The *propiska* — which appears as a stamp in the internal passport — was developed originally to

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<sup>19</sup> *Ibid.*, p. 31.

<sup>20</sup> For a more extensive treatment of the human rights implications of the *propiska* system, see “Russian Residence and Travel Restrictions,” *A Human Rights Watch Short Report*, Helsinki Watch, Vol. 4, Issue 14, August 1992.

stem the flow of rural dwellers into urban centers and to track the whereabouts of residents, ostensibly for law enforcement purposes. It restricted every resident to one legal place of residence and was required in order to work, enter a school or institute of higher learning, get married, and engage in other important civic activities.

Conversely, individuals wishing to move their legal place of residence for any reason are required to obtain a *vypiska*, or stamp placed by local authorities in the passport, certifying that the individual has annulled his or her prior residence registration. Traditionally, a *vypiska* is required in order to receive a new *propiska*. Difficulties in obtaining these vital documents made bribery and fake marriages commonplace under Soviet rule; today, they put undue hardship on many CIS refugees and IDPs or make obtaining such permission altogether impossible.

Article 12 of the International Covenant on Civil and Political Rights and domestic legislation protecting freedom of movement (both Soviet and adopted by CIS countries) prohibit the arbitrary restriction of free movement envisioned in the *propiska* system.

Despite their clearly illegal nature, *propiskas* and *vypiskas* remain in force because of bureaucratic inertia, because the system helps generate revenue for the state and bribes for bureaucrats, and because it lends the appearance of legitimacy to state efforts to exclude “undesirable” ethnic minorities from mainstream life, such as barring or severely restricting access to schools, jobs and housing. Thus, there is not only no practical incentive to remove the regulations, there is an immediate incentive to continue to enforce them. Thus, the residence permit system is still enforced today *de facto*, albeit less consistently than under the strictly authoritarian and centralized Soviet rule. On the contrary, instead of rejecting and distancing themselves from these illegal restrictions, some CIS governments, particularly local authorities in large urban centers or regions experiencing a high influx of in-migration, have re-embraced the system and adopted even stiffer residence requirements.

In a landmark decision of October 1991, the USSR Constitutional Supervision Committee ruled that residence laws violated freedom of movement protections and that current restrictions would be invalid as of January 1, 1992. Thus, by extension, the *propiska* system should be illegal in all of the successor states to the USSR, as legal heirs to the Soviet Union. Unfortunately, this important reversal was never put into effect, in large part due to the bureaucratic and legislative chaos attending the demise of the USSR. Almost immediately after the 1991 decision was handed down, for example, Russian municipal authorities in Moscow and Moscow region (*oblast'*), St. Petersburg, and Krasnodar and Stavropol districts (*krai*) and elsewhere adopted legislation reinstating the regime at the local level. This has resulted in countless arbitrary detentions, fines, and even physical expulsions from the region. The unabated use of the system continues to restrict free movement wherever it is enforced, and generates particularly daunting problems for the millions of refugees, IDPs, and real or potential asylum-seekers in the region.

The violations created by the *propiska* system are particularly egregious in the Russian Federation. Its Presidential Committee on Human Rights concluded the following in its review of the protection of the right to freedom of movement in the Russian Federation in 1993: “The executive powers entirely ignore both the law and the corresponding article of the Constitution, sometimes citing the lack of corresponding rules for implementation (sublegal acts), and sometime not citing anything.”<sup>21</sup> Human Rights Watch/Helsinki has concluded that locally legislated residence requirements are invoked in an arbitrary and often discriminatory way, to the detriment of “undesirable” people such as some racial minorities, and in favor of people of political rank or those who can pay the necessary bribes.

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<sup>21</sup> *Rossiiskaia gazeta*, August 25, 1994, p. 4.

In the Russian Federation, new rules governing residence registration were meant to replace the notorious propiska system in that country, but instead merely preserve them under another name; in some cases, they further restrict them. Government Resolution No. 713 of July 17, 1995 "On Establishing Rules for Registration and Removal of Citizens of the Russian Federation from the Registration List of Temporary or Permanent Residence within the Russian Federation and the List of Officials Responsible for Registration" permits further derogation of the rights of citizens to free choice of residence. Fundamentally, the Rules and related legislation make movement outside of the place of permanent residence the business of government, and impose particular hardship on asylum-seekers. For example, the rules allow individuals to be absent without registration from their place of permanent residence only in cases of "serious illness of the temporarily registered citizens or their relatives, or in other circumstances preventing the citizen from leaving the place of his temporary residence" (Article 10). Even vacations and business trips are subject to government registration. Moreover, the Rules leave determination of these "other circumstances" to local, as well as federal, authorities, making these decisions even more vulnerable to corruption, whim, and discrimination. In practice, asylum-seekers have almost no chance of receiving registration.<sup>22</sup>

The residence permit system remains in force today in most places in the CIS not only because it legitimizes efforts to impede unwanted newcomers from making a home readily but because it generates revenue. Although the Russian Federation's Constitutional Court banned the purchase of propiskas in an April 4, 1996 ruling, permanent propiskas can still be bought from the Moscow city government at a cost of approximately US \$55,000.<sup>23</sup> (The average monthly salary in Moscow is currently about \$130). Beginning on November 15, 1993, all individuals who did not have a permanent residence permit for Moscow or Moscow region, regardless of their citizenship, were required to register their whereabouts with local authorities for a stay of longer than twenty-four hours and acquire a temporary (forty-five-day) propiska, which currently costs approximately US \$20. Failure to register is punishable by a fine of between two and five times the minimum salary, or approximately 110,000 to 275,000 rubles (about US \$20 to \$55). By law, a second violation will result in a fine equal to fifty times the minimum salary (about US \$275) or deportation from the city. In practice, fines are often levied according to the whim of law enforcement agents, and the legal status of the requirements remains in flux.

## REGIONS OF CONCERN

### **Azerbaijan/Armenia: The Nagorno-Karabakh Conflict**

#### **Background**

Azerbaijan was the first of the Soviet republics since World War II to experience armed conflict on its territory, and thus the first to face the problems of forced population displacement. Beginning in 1988, Armenian demands for the unification of Nagorno-Karabakh — an enclave in neighboring Azerbaijan with a majority Armenian population — triggered violent attacks against ethnic Armenians in the Azerbaijani cities of Sumgait (February 1988) and the capital, Baku (January 1990) that generated the first wave of displacement in the region. Concomitant with this anti-Armenian violence in Azerbaijan was the migration of the entire ethnic Azeri population, an estimated 167,000 individuals, from Armenia by early 1990.<sup>24</sup> Anti-Azeri violence committed by Azeris accompanied much of this movement. Hostilities

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<sup>22</sup>"On the Observance of the Rights of Man and the Citizen in the Russian Federation (1994-95)," Report of the President's Commission on Human Rights, English translation, p. 89.

<sup>23</sup> Svetlana Gannushkina, unpublished report, May 1996.

<sup>24</sup> Many ethnic Sunni Kurds also left during this time, while Yezidi Kurds stayed.

ultimately escalated into the most long-lived war in the CIS: the nearly nine-year war over control of Nagorno-Karabakh.

The conflict over Nagorno-Karabakh — a territory of some 1,700 square miles with a pre-war population of approximately 180,000 — has pitted, on the one hand, Azerbaijani government forces against, on the other, “Karabakh Armenian” combatants, which may include Armenian residents of Nagorno-Karabakh, citizens of the Republic of Armenia, mercenaries, and members of the armed forces of the Republic of Armenia.<sup>25</sup> Mercenaries also fight on the Azerbaijani side. A cease-fire has held, with some violations, since May 12, 1994, and peace negotiations continue, facilitated by the OSCE’s eleven-nation Minsk Group, created in the summer of 1992,<sup>26</sup> and the Russian government, which is also a member of the Minsk Group. The negotiations, regular if sluggish, have not yet achieved a resolution, which has blocked deployment of an OSCE peacekeeping force approved in December 1994 at the Budapest OSCE conference. (The United Nations has not been involved in mediation of the conflict.) However, due to a stalled peace process and deep animosities between the parties to the conflict, prospects are bleak for repatriation, let alone reintegration, of the more than one million displaced persons and refugees generated by the war.

The conflict in Nagorno-Karabakh created an unregulated, chaotic, and often bloody exchange of populations among Armenia, Azerbaijan, and Nagorno-Karabakh. The overwhelming amount of the transfer has taken place on an ethnic basis; today, Nagorno-Karabakh has been “cleansed” of all Azeris, and all Azeris have been forced out of most of the provinces that surround Karabakh. All Armenians have been forced out of Azerbaijan.<sup>27</sup> Finally, all Azeris have been forced to flee the Republic of Armenia.

Much of the forced displacement of ethnic Armenians took place before Azerbaijan became an independent country recognized by the international community (1992). The estimated 350,000 ethnic Armenians who lived in Azerbaijan left in two waves, in 1988 and 1990, after anti-Armenian violence. Most were unable to sell properties or

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<sup>25</sup> This conflict is an “internationalized” internal or non-international armed conflict, under the definition set forth in the Geneva Conventions; it is a civil war characterized by the intervention of the armed forces of other states on behalf of rebels. For a detailed discussion of customary international law applicable to international armed conflicts pertinent to the war in Nagorno-Karabakh, see *Seven Years of War in Nagorno-Karabakh*, Human Rights Watch/Helsinki, December 1994, pp. 90-104.

<sup>26</sup> The members of the Minsk Group — which was named after the Belorussian capital, where a peace conference will ultimately be held — include Armenia, Azerbaijan, Belarus, the Czech Republic, France, Germany, Italy, Sweden, the United States, Turkey, and “interested parties in Nagorno-Karabakh.” The Group is presently jointly chaired by Russia and Finland.

<sup>27</sup> Human Rights Watch/Helsinki believes that, despite the strong ethnic overtones the conflict has assumed, much of the animosities were artificially created by governments through irresponsible and inflammatory propaganda that blamed the country’s problems on a scapegoat ethnic group. See *Playing the “Communal Card”: Communal Violence and Human Rights*, Human Rights Watch, April 1995, pp. 142-153.

possessions. In 1991, in Operation Ring, the government of the then Azerbaijani Soviet Socialist Republic, with the aid of central authorities in Moscow, was responsible for the forced displacement of Armenian civilians from Geranboi (Shaumyan) province and from Chaikent (Getashen), a village in Khanlar province, Azerbaijan. Some of these individuals returned in late 1991 and early 1992. In June 1992, an Azerbaijani counteroffensive against Geranboi (Shaumyan) province and Mardakert province, Nagorno-Karabakh, displaced roughly 40,000 people, overwhelmingly Armenian. Their homes were looted and destroyed. Most of these displaced Armenians, with the exception of those in Geranboi (Shaumyan) province and Chaikent (Getashen), Khanlar province, have now returned to their villages as a result of later, successful Karabakh Armenian offensives.

Between 1988 and 1994, an estimated 750,000-800,000 ethnic Azeris were forced out of Armenia (167,000), Nagorno-Karabakh (40,000), and seven other provinces of Azerbaijan that are now fully or partially occupied by Karabakh Armenians (480,000-530,000).<sup>28</sup> The pre-war population of these provinces was overwhelmingly Azeri. An Armenian offensive in April 1994 displaced another 50,000 Azeris.

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<sup>28</sup> Many ethnic Sunni Kurds lived in the Lachin and Kelbajar provinces of Azerbaijan.



The biggest wave of displacement came in 1993 as Karabakh Armenian troops — often with the support of forces from the Republic of Armenia — captured the remaining Azerbaijani provinces (or large parts thereof) surrounding Karabakh and forced out the Azeri civilian population: the rest of Lachin province, and Kelbajar, Agdam, Fizuli, Jebrayil, Qubatlı, and Zangelan provinces. According to Azerbaijani government figures, these Karabakh Armenian offensives forced an estimated 450,000-500,000 Azeris out of their homes.<sup>29</sup> Karabakh Armenian forces destroyed and looted Azeri homes and dwellings.

### **The Plight of Refugees and IDPs Today**

Today, the majority of the estimated 350,000 Armenians who fled the ethnic violence in Azerbaijan reside in Armenia. The estimated 750,000-800,000 individuals, largely ethnic Azeris who were forced out of Nagorno-Karabakh, Armenia, and the provinces surrounding Karabakh, remain mostly in Azerbaijan, though many fled to other parts of the former Soviet Union, especially Russia.<sup>30</sup> The UNHCR reported that as of January 1, 1995, Armenia had absorbed the overwhelming majority (304,000 individuals) from Azerbaijan; uncounted others moved to major Russian cities or to southern Russia. According to January 1996 Azerbaijani government statistics, 233,682 refugees and 684,980 internally displaced persons were living in Azerbaijan.<sup>31</sup>

The fact that only about 25,000 refugees and 36,000 internally displaced persons had received official status from the government of Azerbaijan as of January 1996<sup>32</sup> suggests a failure of the system adequately to meet even the most basic administrative needs of these displaced populations.

Since the refugee and IDP crisis began, the Azerbaijani parliament has adopted some improved legal protections for refugees and internally displaced persons. On May 29, 1992, the Supreme Council adopted the law "On the Status of Refugees and Displaced Persons." On May 16, 1995, it passed amendments to two articles of its Criminal Code, which govern passport regulations, that relieve refugees and internally displaced persons from criminal liability for such procedural violations. Since these individuals cannot safely return to their homes, and since it is highly unlikely they would be given proper administrative assistance by the local authorities even if they did, they cannot obtain the required *vypiska*, or permission to move out, from local officials and thus cannot obtain a *propiska* for their new home in Azerbaijan.

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<sup>29</sup> "Information Bulletin on the Consequences of the Aggression by the Republic of Armenia Against the Azerbaijani Republic," Ministry of Foreign Affairs of the Azerbaijani Republic, Baku, Azerbaijan, February 1994.

<sup>30</sup> Some ethnic Sunni Kurds lived in the Kelbajar and Lachin area of Azerbaijan and were forced out along with the Azeris.

<sup>31</sup> State Statistical Committee, Azerbaijan, cited in "Informatsiia dlia uchastnikov seti proektov vyzhdennoi migratsii" (Information for Participants in the Network of Project for Forced Migration), Human Rights Center of Azerbaijan, March 1, 1996, p. 1.

<sup>32</sup> *Ibid.*, p. 2.

Despite such measures, however, the failure of intensive, sustained peace negotiations to resolve the war's territorial and political disputes makes prospects for reversing the forced displacement of ethnic populations and eventual reintegration of currently "cleansed" ethnic populations bleak.

Current concern, then, focuses on their treatment in the temporary points of refuge that, over the years, have become semi-permanent. One of the most urgent threats is the terrorizing identity checks and arbitrary detentions, beatings and harassment by police of people of color, including refugees and real or potential asylum-seekers, in Russia.

Human Rights Watch/Helsinki has documented such abuse in Moscow and Moscow region and in the southern regions of Krasnodar and Stavropol (*see* "Russian Federation") that target heavily but not exclusively individuals from the Caucasus Mountains, including Armenians and Azeris. State-sponsored harassment of these individuals and discriminatory impediments they face in the asylum process there have led to the tragic and ironic reality that many ethnic Armenian and Azeri refugees are now facing ethnic violence and discrimination even in their ostensible shelter.

Azerbaijanis, some of them refugees or potential asylum-seekers, are visible on Moscow streets and at marketplaces, where they sell fresh produce, as are Armenians, many of them refugees who can be readily located at refugee hotels. In scores of independent testimony collected by Human Rights Watch/Helsinki, these individuals reported being regularly harassed, intimidated, robbed, detained, and sometimes beaten and gassed by Moscow police and special forces as part of their enforcement of residence permit requirements as well as the Moscow city government's unspoken campaign to force non-Russians out of the capital.

While the harassment affects many minorities currently living in Russia, the approximately 1,700 Moscow-based Armenians who fled Baku<sup>33</sup> face special problems because of their peculiar legal status in Russia. Immediately following the anti-Armenian violence, the Soviet government resettled many of them in Moscow and the Moscow region. Most were given status as displaced persons and issued permission to stay; many continue to live in the hotel rooms they were originally assigned. However, after Russia's independence from the Soviet Union, Moscow came under the control of the Russian Federation, and Russian authorities were increasingly unwilling to honor the commitments to these individuals made by the Soviet authorities.

For arbitrary reasons, all holders of a refugee identification papers in Russia -- many of them refugees from the 1988 and 1990 violence in Azerbaijan -- are required to reapply annually for refugee status. This status, once granted, should not be subject to review. According to Maureen Greenwood, a representative of the Union of Councils for Soviet Jews and a leading advocate for the community of Baku Armenians in Moscow, the registration of "Baku Armenians" has expired every November since approximately 1990, and they are required to undergo a nerve-racking reapplication process. She states that the process is "defined by no understandable rules" or legal guidelines.<sup>34</sup> Human Rights Watch/Helsinki is aware of several cases in which one-time refugees were stripped of refugee status through this process. Moreover, many individuals fear that, given the rising xenophobic prejudices in Russia, they will be unable to renew their status, which, in turn, would likely result in fines for violations of the local residence regulations, threats and extortion by the police and special forces, and additional difficulties in finding or keeping housing or jobs.

Pressure for them to leave Moscow has come in other forms as well. In its most benign manifestation, according to several individuals interviewed, the Russian Federal Migration Service (FMS) summons them to meetings and offers them alternative accommodations in other parts of Russia. However, food supplies are generally poorer and jobs fewer in these areas. Moreover, although the refugees are eager to escape the increasingly hostile environment in Moscow, they also reported that they feared encountering even worse job and housing discrimination in these more rural areas, where there was no local diaspora to offer support or outside observers to monitor their treatment by local

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<sup>33</sup> The Moscow-based U.S.-Russian Human Rights Bureau and Washington, D.C.-based Union of Councils for Soviet Jews, which have been particularly active in working with the Baku Armenians, provided this figure.

<sup>34</sup> Telephone interview, April 25, 1996.

authorities. Many resist the pressure for personal reasons since, after as many as eight years in Moscow, they have work, schooling, friends and family that keep them tied to Moscow.

Another hazard faced by these refugees in particular is the danger of living in compact groups. Residing in hotels, rather than in private apartments, makes Armenian and Azeri refugees and asylum seekers easy targets for police raids. Moscow-based Armenian refugees told Human Rights Watch/Helsinki that tens of OMON — special forces — would come, armed and in masks, to their refugee hotel every few months. According to numerous testimonies, they come ostensibly to check residence authorizations but also break down doors, intimidate and frighten the residents, and even take away children, whom they detain without charges. Azerbaijanis in Moscow — whose legal status in Russia is sometimes unclear — reported regularly being stopped and asked for identification, being threatened and intimidated, having their wares stolen, and being beaten or forced into waiting police buses where they were assaulted, gassed and subjected to electric shock through cattle prods.

Russia plays a key mediating role in the Nagorno-Karabakh peace process, and therefore is in a position to help win concessions for one side or the other. As a result, concerned governments, notably the Armenian and Azerbaijani governments, are likely to mute any strong potential criticism of the Russian government's mistreatment of Armenian and Azerbaijani refugees residing in Russia.

## **Georgia**

### **Background**

Historically, the mountainous Caucasian nation of Georgia has experienced low levels of out-migration and has had only a small diaspora abroad. The turmoil of the past five years, however, including three civil wars, has broken that trend. Today, large-scale displacement, overwhelmingly internal, was caused by armed struggles over control of the northern region of South Ossetia (1989-92), a political battle over the presidency of the newly independent nation (1991-92), and a war for political and territorial control of the western region of Abkhazia (1992-94). According to UNHCR data, some 280,000 people have been displaced from their homes in Georgia out of a total population of approximately 5.5 million.

Displaced persons from South Ossetia and Abkhazia residing in rump Georgia have also been hard hit by the economic crisis that crippled the country around 1992. Housing for the displaced today in hotels, camps and elsewhere, as in many places in Georgia, lacks regular electricity, heat, and running water. Government assistance at best covers a small fraction of food costs; some assistance workers believe that only the large-scale infusion of humanitarian assistance from the international community staved off mass starvation among IDPs. Stability and basic humanitarian provisions — as well as prospects for repatriation — are today heavily dependent on the continued commitment of peacekeeping troops and military observers under the U.N., the OSCE, the CIS, and Russian, Georgian and Ossetian forces, and on international humanitarian assistance.

Refugees and asylum-seekers from Georgia who fled to the Russian Federation, particularly Moscow and Moscow region and in the southern districts of the Russian Federation have also fallen victim to harassment by Russian law enforcement. (*See "The Russian Federation".*)

Human Rights Watch/Helsinki conducted field investigations in South Ossetia in December 1991, and in Abkhazia in July-August 1993 and March 1995.

### **South Ossetia**

Tensions between ethnic Ossetians and Georgians in South Ossetia, a region of Georgia that had a pre-war population of about 90,000 (approximately two-thirds Ossetians and one-third Georgians), came to the fore in 1989. At the heart of the dispute were Ossetian appeals to raise the area's political status from autonomous region (oblast') to autonomous republic and eventually to achieve full independence from Georgia. Georgian resistance to this movement

triggered a backlash of hostility against ethnic Georgians in South Ossetia (known in Georgian as Samachablo or Shida (Inner) Kartli).

The first casualties and hostage-takings came on November 23-24, 1989, following a public rally in the capital, Tskhinvali (in Ossetian, Tskhinval). South Ossetian demands for greater autonomy and the appearance of troops from Georgia as well as the USSR Ministry of Internal Affairs escalated the hostilities, and street fighting erupted in January 1991, forcing tens of thousands of local residents from their homes.<sup>35</sup> Military operations continued sporadically until the middle of 1992. Ossetians living in the Georgian capital, Tbilisi, and in the Gori, Borjomi, and Kareli districts of Georgia suffered retaliatory attacks and many were forced to flee.

Despite diplomatic intercession and independent field monitoring, most prominently by the OSCE's Mission to Georgia, and the stabilizing presence of joint Russian-Georgian-Ossetian troops, little progress toward repatriation has been made since the signing of the June 24, 1992, Dagomys agreement, which instituted the current cease-fire and introduced the joint peacekeeping forces. With the local infrastructure and economy severely damaged, lawlessness has taken hold of South Ossetia and sporadic violence persists. As a result, today approximately 20,000 individuals (overwhelmingly Georgian) who were displaced during the violence remain unable to return to their homes for fear of reprisals.

### **Abkhazia**

A similar struggle for autonomy soon followed in the Black Sea region of Abkhazia. Abkhazia and South Ossetia had a similar pre-war population size: approximately 100,000. However, according to the most recent albeit highly imperfect census (1989), ethnic Abkhaz constituted a clear minority, only about 17 percent. Coming close on the heels of Georgia's loss of South Ossetia, attempts by the Abkhazian parliament to win increased political and cultural autonomy provoked an armed show of force by troops from the Georgian central government. An August 14, 1992, surprise attack launched a bloody civil war between, on the one hand, the central government in the form of the National Guard, paramilitaries and volunteers and, on the other, Abkhazian irregulars, volunteers and mercenaries from the North Caucasus, and, crucially, the Russian military.

The sixteen-month war raged most bitterly in the regional capital of Sukhumi and in and around Tkvarcheli, and caused the displacement of almost a quarter of the region's population. The combination of indiscriminate attacks and targeted house-to-house terrorization of the civilian population was a feature of both sides' deliberate efforts to force the other party's ethnic group out of areas of strategic importance. At different points in the conflict, first the Georgian authorities and then the Abkhazian forced out populations on the basis of ethnicity. Today, most of the displaced Abkhazians have been able to return, many to set up house in formerly Georgian homes, but almost all ethnic Georgians have been "cleansed" from Abkhazia.

The Abkhazian military victory also caused particular hardship to displaced persons. When Sukhumi fell to Abkhazian forces in the fall of 1993, local residents fled to safety in a mad scramble that took them through the snowy mountains of neighboring Svanetia without adequate provisions or clothing, and scores of the displaced died of exposure and exhaustion. Tens of thousands of land mines (the UNHCR estimates as many as 700,000) in the Gali and Zugdidi regions and the Gumista Valley are another disincentive for return to these areas, and make potential return today extremely dangerous.<sup>36</sup>

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<sup>35</sup> Georgian authorities claim that at least 40,000 Georgians fled South Ossetia. Ossetian officials estimate that approximately 100,000 people fled from South to North Ossetia.

<sup>36</sup> *Forced Migration: Repatriation in Georgia*, Open Society Institute, New York, 1995, p. 29.

A cease-fire has been in force, with some lapses, since December 1993. It was enforced by, at their peak, 136 military observers of the United Nations Observer Mission in Georgia (UNOMIG) and, since June 1994, up to 3,000 Russian peacekeeping troops, nominally under CIS auspices. Valuable monitoring is also conducted in Abkhazia by the OSCE. But the improved stability and ongoing UN- and Russian-mediated peace negotiations have failed to break the stalemate over repatriation. As a result, only 311 displaced persons had been returned to Abkhazia under UNHCR auspices as of December 1994, and reportedly none since then.<sup>37</sup> Until the political dispute over Abkhazia's status vis-a-vis Georgia is resolved (independence, federation, or confederation), repatriation is likely to be used as a political bargaining chip rather than as a non-negotiable humanitarian and legal issue.

The return of IDPs has also proven elusive because of arbitrary restrictions imposed by the Abkhazian authorities and acquiesced to by the Georgian authorities and the UNHCR. The Abkhazians have successfully waged a war by bureaucracy to prevent the return of IDPs: they insist on arbitrary, discriminatory, and highly restrictive criteria for return, including byzantine stipulations for filling out forms correctly and providing "proper" documentation of residence. Moreover, Article 3 © of the April 4, 1994, quadripartite agreement (signed by Abkhazia, Georgia, Russia, and the U.N.) denies returnees immunity when there are "serious signs" that they had committed a "military offense... a serious criminal offense or earlier participated in military actions and currently belong to armed formations that are preparing for military actions in Abkhazia." Exclusions were later extended to anyone who had "sent money out of Abkhazia."<sup>38</sup>

Human Rights Watch/Helsinki believes that no one should be immune to investigation of alleged human rights violations; however, the very real fear of biased prosecution discourages displaced persons from returning to Abkhazia. The restrictions stipulated in the April agreement are also objectionable since they target a particular group -- the overwhelmingly Georgian population that fled Abkhazia. Human Rights Watch/Helsinki is particularly alarmed that the UNHCR, which normally takes a leading advocacy stance in favor of rapid and unconditional repatriation, has agreed to abide by what is essentially an arbitrary filtering mechanism.

The extremely disappointing repatriation process has left unprotected the reportedly tens of thousands of displaced persons who have attempted to return to their homes. Numerous incidents of murder, torture, beatings, abductions, and intimidation of returnees and the burning of their homes have been reported in recent years in the Gali region, which borders rump Georgia and is the most easily accessible to IDPs. Nonpartisan policing and human rights monitoring are woefully inadequate in that area, and neither the CIS peacekeepers nor UNOMIG has law enforcement prerogatives to mitigate the lawlessness and facilitate safe return.

## **The Russian Federation**

### **Background**

In 1989, the territory that comprised the Russian Socialist Federative Soviet Republic, now the Russian Federation, received the first waves of individuals fleeing conflict and ethnic persecution it had seen since World War Two (*see* "Armenia/Azerbaijan"). Since then, armed conflict and political or ethnic persecution in the southern regions of North Ossetia and Chechnya have spawned large population displacement within the Russian Federation.

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<sup>37</sup> Human Rights Watch interview with Tore Borresen, UNHCR representative in Georgia, Tbilisi, January 4, 1995.

<sup>38</sup> *Forced Migration: Repatriation in Georgia, op. cit.*, p.27.

Migration statistics for the Russian Federation are imprecise and under-registration of displaced persons chronic. The head of the Russian Federation Federal Migration Service, Tatiana Regent, estimated on March 12, 1996, that the FMS had received applications for asylum from 1,017,000 people.<sup>39</sup> Whatever the actual numbers, it is safe to say that the Russian Federation has received more displaced persons and asylum-seekers from the CIS than any other CIS country. The Russian Federation has also received more potential and actual asylum-seekers from non-CIS nations than any other CIS country. Russia, which is by far the largest CIS member state and enjoys relative stability and good economic prospects, has long been a magnet for residents of the Soviet Union and later the CIS. Many residents of other CIS countries currently gravitate to Russia because they grew up using the Russian language, or because Russia's inclusive citizenship law makes it a safe haven for CIS residents with uncertain future.

Russia is also an attractive transit point for asylum seekers from socialist or former communist countries and developing nations who are escaping political repression or civil unrest at home. North Koreans, Chinese, Cubans, and Afghans, for example, have turned to Russia for refuge because they may speak Russian or may have retained friends or an affinity for Russia. As a result, Russia in the 1990s has become a regional mecca for CIS and non-CIS refugees alike and faces unprecedented challenges involved in processing asylum-seekers.

The Russian government has taken some steps to address the problems of sudden and large-scale in-migration. In February 1993, for example, the parliament adopted a law on refugees and another on forced migrants. By adopting the "Law on the Right of Russian Citizens to Freedom of Movement and Choice of Temporary or Permanent Residence Within the Russian Federation" in 1993, the Russian government also attempted to reinstate some legal protections for individuals who change residence, many of them refugees, internally displaced persons or real or potential asylum-seekers. In 1994, the Federal Migration Service (FMS) was established to process the growing wave of asylum claims and ostensibly to implement refugee-related laws, which provide a framework for effecting refugee and IDP protection. In reality, however, the FMS has been the instrument for severely limiting their rights, and in some cases violating them.

Human Rights Watch/Helsinki has conducted refugee-related research and advocacy in Russia since 1992. Our displacement-related investigations have concentrated on Moscow and environs since 1992; we also conducted field investigations in the Prigorodnyi region of North Ossetia in August 1994, in Chechnya, Dagestan and/or Ingushetia in January and February of 1995 and January of 1996, and in the southern districts of Krasnodar and Stavropol, not far from these troubled areas, in March-April 1996. We have interviewed hundreds of refugees and internally displaced persons currently residing in Russia, and we maintain cooperative ties with the FMS and local and international refugee groups.

### **The Plight of Refugees and IDPs Today**

Real and potential asylum-seekers in the Russian Federation face myriad problems. Gravest among them are refoulement; deportation; harassment, intimidation, extortion and physical abuse by law enforcement; in some cases, job discrimination; violation of their right to freedom of movement; and denial of access to the asylum application process. Severe obstacles to registration have generated a significant population of chronically illegal residents — individuals whose attempts to become legal residents are thwarted by federal or local authorities. The Russian government has failed to uphold, or deliberately ignored, its obligations to protect asylum-seekers and provide them with the opportunity to apply for and receive due legal consideration of their claims. One indication of the failure of Russia's current asylum system is the proportionately small number of people who have been granted status. Part of that is due to the fact that an informal but highly restrictive screening process takes place at the FMS before people are even allowed to formally apply.

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<sup>39</sup> Speech at the Carnegie Foundation, March 12, 1996.

Refugees are subjected to arbitrary re-registration, intimidation, and pressure from the FMS and some local residents to move out of urban areas. They also face hostility, poor food supplies, and lack of jobs when they voluntarily relocate internally to less populated areas.

In 1993 came the first indications that the Russian government was responsible for *refoulement* and internal forced deportation. In October of that year, the government became embroiled in a bloody shoot-out at the parliament building in Moscow for control of the government. In the chaotic days that followed, some 1,000 individuals who had no apparent connection to the events at the parliament — by all accounts overwhelmingly people of color or dark complexions and features — were rounded up by Moscow law enforcement officials and forced onto transportation that took them beyond the city limits. Some of them, with whom Human Rights Watch/Helsinki representatives spoke, reported that police had ignored or, in some cases, deliberately destroyed their residence permits. While there are no confirmed reports that individuals were forced beyond Russian borders, the deportations represented a gross violation of the principle of freedom of movement, enshrined in Article 27 of its Constitution as well as in its international human rights obligations.

Subsequently, according to UNHCR representatives who asked to speak off the record, Russian border guards have become notorious for deporting from Russia at least scores of individuals, illegally and haphazardly, almost as soon as they get arrive at Moscow's international airport. Despite heavy international air traffic, there was no holding facility at Sheremet'ev Airport until recently. Such deportations represent a blatant violation of protection principles.

In addition, in the past year or so, Russia has extradited some ten political refugees, who come from other CIS countries, even when they faced death sentences at home, such as Ragim Qaziyev of Azerbaijan, who was arrested in Russia on April 12, 1996. While none of these individuals is known to have applied for political asylum in Russia, it is clear that their reckless extradition could be or could have been avoided had Russia's asylum application process been functioning properly.

As the Russian President's Commission on Human Rights concluded in its 1995 report, "even after passage of the Law [on Refugees] the real situation did not change for the better."<sup>40</sup> City governments in Moscow and Moscow region, St. Petersburg, Krasnodar and Stavropol regions, Vladimir, Voronezh, Nizhegorod, Rostov and elsewhere have passed local ordinances that effectively reinstate residence requirements; in other areas, the *propiska* is enforced on an arbitrary basis. The report concludes that "the virtual preservation of the *propiska* system violates more than the right of the citizen to choose his place of residence. Failure to register one's place of permanent residence inevitably entails restriction of other rights. Access to basic social and economic rights is sharply curtailed — the right to work, to receive free medical care and municipal benefits provided for residents of a given locality, the right to a pension, and to attend schools of general education. This essentially illegal restriction of rights affects not only social welfare, but also political and civil rights such as the right to vote, the right to own property, and so on. In Voronezh, for example, there is a prohibition against registering marriages, for notarizing documents for [sic], or selling real estate to persons without a local *propiska*."<sup>41</sup>

Despite constitutional provisions for granting political asylum in Russia, with rare exceptions this option is not available. As of this writing, for example, only sixteen individuals from the CIS are known to have been granted political refugee status in Russia. These men, all of them journalists who fled the civil war in Tajikistan, received status only thanks to intercession on their behalf by prominent Russian supporters and, they were told, only "as an exception."

Perhaps the greatest human rights concern for refugees and asylum-seekers in Russia today is the government's unwillingness to correct the ethnic discrimination that is rampant in its asylum process. Would-be applicants,

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<sup>40</sup> "On the Observance of the Rights of Man and the Citizen in the Russian Federation (1994-95)," *op. cit.*, p. 78.

<sup>41</sup> *Ibid.*, p. 81.

overwhelmingly but not exclusively people of color, have reported to Human Rights Watch/Helsinki and other independent observers that asylum officers at the FMS regularly turn away applicants, telling them it is “useless” for them to apply and that they have “no chance” of receiving refugee status in Russia; as a result, they will not make application forms available, and individuals who would like to receive legal status are deprived by the government of the possibility of becoming a legal resident. Human Rights Watch/Helsinki has also received numerous credible though unconfirmed complaints from asylum-seekers that FMS officials demand hundreds of U.S. dollars in bribes to process and grant a claim.

For apparently political reasons, the Russian government has promoted a distinction between the rights of asylum-seekers from the CIS and those from outside the Commonwealth. This distinction is not meaningful under international law since all concerned would have crossed an international border. However, to the degree that the government enforces the distinction *de facto* — and possibly also as a result of the fact that the UNHCR has served as protector and advocate overwhelmingly for non-CIS applicants — the government has allowed itself formally to pay less attention to applicants from CIS countries than others.

### **Prigorodnyi Region (North Ossetia)**

In October 1992, intense fighting broke out between ethnic Ingush and Ossetians over control of the Prigorodnyi region of North Ossetia, a Russian Federation republic in the Caucasus Mountains. As a result of the short-lived hostilities, hundreds of civilians were killed, thousands taken hostage, thousands of homes (mostly belonging to Ingush) destroyed, and tens of thousands of residents displaced. According to 1995 figures provided by the Russian FMS, the number of “forced migrants” from the Prigorodnyi district range from 42,000 to 75,000,<sup>42</sup> most of the approximately 9,000 Ossetians who were forced to flee have subsequently returned to the region. The problem of mass displacement was exacerbated when armed conflict in Chechnya sent nearly 161,000 additional displaced persons into Ingushetia between April and August 1995.<sup>43</sup>

Today, neither the territorial dispute nor the conflict has been resolved, and hostage-taking, shootings and attacks on life and property continue, making it impossible for displaced persons to return in safety.

Five main obstacles currently hinder repatriation to the Prigorodnyi region. First, talks on ending the crisis have been slow, and implementation has been weak. President Yeltsin’s Decree No. 2131 of December 13, 1993, offers a framework for the return of Ingush displaced to four villages in the Prigorodnyi region (Chermen, Dachnoye, Dongaron and Kurtat), but it has not been put into effect. The pledge of “complex resolution of the refugee problem, including questions of security, methods of return, and settlement” made by Ossetian and Ingush authorities in the Kislovodsk Agreement of March 20, 1993, has also not been kept. The war that has raged in Chechnya since December 1994 has drawn Russian government attention and resources away from the reconstruction and repatriation process in the Prigorodnyi region, further slowing the operation.

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<sup>42</sup> “On the Observance of the Rights of Man and the Citizen in the Russian Federation (1994-95),” *op. cit.*, p. 85. The FMS definition of “forced migrant” includes citizens of Russia, citizens of the former USSR permanently residing outside of Russia, citizens of countries that were not part of the USSR, and stateless persons who were forced to move onto Russian territory.

<sup>43</sup> “Zamankho,” (Nazran, Ingushetia), cited in Foreign Broadcast Information Service (FBIS), Central Eurasia, September 13, 1995, p. 44.



Second, since the conflict was local, many victims on both sides know those who assaulted them or their relatives. The local authorities' failure to demand accountability for these crimes has allowed blood feuds to replace courtroom proceedings. In part as a result, violence continues to break out sporadically. In late April 1995, there were reports that between thirty and fifty Ingush were stoned by Ossetians as they tried to enter Kurtat and Dongaron — two of the villages to which Ingush were supposed to be able to return under President Yeltsin's December 1993 decree.<sup>44</sup> On June 22, in the village of Kurtat, unidentified persons fired at a column of Ingush returning to their homes escorted by forces from the Russian and North Ossetian Ministry of Internal Affairs. One Ingush was killed and five wounded, and three Ossetians were wounded in the attack.<sup>45</sup>

Third, the agreed mechanism of return is deeply flawed. "Conciliatory commissions" established by an October 25, 1993, bilateral agreement actually act as a filtration system, arbitrarily denying Ingush the right to return based on dubious and tendentious evidence. While commission rulings are supposed to be taken only as recommendations, Ossetian members seem to exercise absolute veto power. For example, in July 1994, the Conciliatory Commission of the village of Chermen — without the participation of its Ingush members — rejected forty-five of fifty-three families who had applied to return to Chermen because "villagers suspected them of committing crimes."

Fourth, the June 1994 agreement on the return of the displaced stipulates that homes and infrastructure must be rebuilt before Ingush can return, but a less than reliable flow of funds from Moscow has made reconstruction difficult. A Russian Foreign Ministry official involved in the Ossetian-Ingush negotiations told Human Rights Watch/Helsinki that "above all, a return should be appropriate, safe, well-prepared... We believe that such a hasty manner, simply to pull up trailers and send off people and to call this repatriation is not right."<sup>46</sup> But Moscow has been unwilling or unable to pay for these desired safeguards. Reportedly, only thirty-nine billion rubles of the 500 billion needed for the restoration of the Prigorodnyi region was received from federal authorities in 1994-95.<sup>47</sup> In the meantime, Ingush who want to return immediately and begin repairing their homes themselves are prevented from doing so by what may be Moscow's well-intended efforts to protect them. Finally, the general insecurity and continued presence of illegal armed groups in the region hinders reconciliation and safe return.

### **Chechnya**

In December 1994, the Russian central government deployed forces to bomb and shell a pro-independence movement in Chechnya, which was led by the late Chechen president, Dzhokar Dudayev. Chechnya, which is a constituent part of the Russian Federation and has no regular army, has been conducting a partisan war in retaliation. The war rages on today, despite some lulls, and from the outset has been conducted as a war against civilians. Russian troops have indiscriminately grid-bombed civilian areas, prevented civilian escape from villages that are about to be bombed, and rolled grenades into the basements of houses where civilians are known to be hiding; Chechens have used civilian property for military purposes, endangering the lives of civilians, taken civilians hostage and used them as human shields, thus also contributing to population flight.

The resulting indiscriminate or house-to-house fighting has caused sudden and massive displacement of the local population, which includes many ethnic Russians as well as Chechens. According to 1995 FMS figures,

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<sup>44</sup> Moscow-INTERFAX, Foreign Broadcast Information Service (FBIS), Central Eurasia, April 28, 1995; Ruslan Maysigov, "Ingush President Asks Yeltsin to Safeguard Refugee Rights," Moscow ITAR-TASS, cited in FBIS, Central Eurasia, May 4, 1995; Moscow-ITAR-TASS, FBIS, May 5, 1995.

<sup>45</sup> Natalia Gorodetskaia, "Ingush, North Ossetian Presidents to Meet in July," *Segodnia* (Moscow), cited in FBIS, Central Eurasia, June 27, 1995.

<sup>46</sup> Interview with Mr. Lebed (first name unconfirmed), August 1994.

<sup>47</sup> Natalia Gorodetskaia, "Prezidenty Severnoi Osetii i Ingushetiia otkazalis' ot territorial'nykh pretenzii," (The Presidents of North Ossetia and Ingushetiya Renounce Territorial Claims"), *Segodnia* (Moscow), July 12, 1995, p. 2.

individuals forced from their homes due to the war in Chechnya number 161,000 in the Ingush Republic, 99,500 in the Republic of Dagestan, and 36,600 in the Chechen Republic proper.<sup>48</sup> Hostilities flare sporadically and some displaced persons are able to return during lulls to check on homes and relatives who remained behind, but a dramatic resurgence in fighting in December 1995 and January 1996 makes prospects for repatriation in the near future dim.

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<sup>48</sup> "On the Observance of the Rights of Man and the Citizen in the Russian Federation (1994-95)," *op. cit.*, p. 85.

Russian forces are responsible for targeting and killing and wounding civilians who were on the roads trying to flee hostilities. During the December 1995 fighting in Gudermes, for example, civilians were strafed by Russian helicopters in broad daylight as they moved along snowy fields, circumstances that should have allowed a helicopter, for example, to discern clearly that its target was a group of women with children in their arms or strapped to their backs or dragging children on sleds. In other cases, Russian helicopters reportedly fired selectively at moving vehicles without determining first whether civilians were traveling in them.<sup>49</sup> A displaced woman who had been forced out during the fighting in Gudermes described a typical scene: Russian helicopters “would make a circle [above us] and then go away, but kept coming back over and over again and shooting. There were thirty or thirty-five people walking with us, and only sixteen or seventeen made it.”<sup>50</sup>

Moreover, the Russian government has repeatedly impeded the safe flight of civilians from active conflict zones in Chechnya by imposing a near-total blockade on evacuation assistance from such organizations as the International Committee of the Red Cross, Médecins sans Frontières, and Salvation, a Muslim relief organization. Human Rights Watch has also received unconfirmed reports that the Russian authorities have limited the ability of some humanitarian organizations to administer food and medical assistance to the displaced civilians once they reach safe reception points.

Russia's information blockades have also proved highly detrimental to protection of displaced civilians. Many refugees interviewed by Human Rights Watch/Helsinki described the general chaos caused by the local authorities' failure to inform them about impending hostilities, as they are required to do under the Geneva Conventions, or, later, the existence of a humanitarian corridor or the fact that roads leading out of town were blocked in the days preceding attacks. For example, one resident of the Chechen capital, Grozny, stated that “People died, refugees (sic) who believed what they had heard on Russian television, about how it was calm in the area around Grozny, so they decided to go back home.”<sup>51</sup> Authorities in the town of Gudermes also reportedly broadcast radio announcements instructing people not to leave Gudermes on the eve of a large-scale assault in January 1996. As one displaced person reported, troops “completely surrounded” the town and “wouldn't let anyone leave.”<sup>52</sup> In addition, some refugees, including at least four children, froze to death on their way to safety in Dagestan — deaths that might have been avoided had the Russian government given civilians adequate warning and permitted humanitarian organizations to evacuate civilians.<sup>53</sup>

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<sup>49</sup> See especially “Russia: Partisan War on the Eve of the World War II Commemoration,” Human Rights Watch/Helsinki, May 1995, Vol. 7, No. 8.

<sup>50</sup> Human Rights Watch/Helsinki and Memorial interview with “Kheidi,” January 1996.

<sup>51</sup> Human Rights Watch/Helsinki and Memorial interview with Lursa Zakayeva, Khasavyurt, April 23, 1995.

<sup>52</sup> Human Rights Watch/Helsinki and Memorial interview with Larisa Kerimova, Khasvyurt, January 17, 1996.

<sup>53</sup> Human Rights Watch/Helsinki and Memorial interview with Umar Javtaev, Khasavyurt, January 21, 1996, and with Adam Satikhanov, Osman-Yurt, January 21, 1996.

The massive destruction of civilian homes in Chechnya, as well as vital infrastructure such as roads, railways, schools and hospitals, means that tens of thousands of displaced persons have no houses to return to and that any eventual repatriation to Chechnya will be slow and costly.

### **Krasnodar and Stavropol Districts**

Since 1988, two contiguous districts (*krai*) in the Russian Federation — Krasnodar and Stavropol — both located in the North Caucasus region, have attracted higher numbers of displaced populations than other parts of the Russian Federation. They have also become the site of numerous serious human rights abuses against newcomers, such as arbitrary harassment, extortion because of their status as newcomers to the region, deportation, and beatings, mostly perpetrated on an ethnic basis.

The local authorities, with the tacit consent of Moscow, rigorously enforce highly punitive and restrictive residence requirements in order to prevent refugees and other actual or potential asylum-seekers from settling in the region. Their main tool is the propiska and vypiska system; they also use heavy fines, harassment, physical abuse, and ethnic discrimination from local law enforcement officials, which includes the *de facto* local police auxiliary, the Cossacks. Though some ethnic Slavic refugees and IDPs report having encountered these difficulties, non-Slavic refugees and IDPs appear to be targeted disproportionately.

Krasnodar and Stavropol have become magnets for refugees and IDPs for several reasons. First, they are geographically close to areas of conflict, such as Chechnya and North Ossetia (Russian Federation); Abkhazia and South Ossetia (Georgia); Nagorno-Karabakh and other regions of Azerbaijan; and Armenia. They also enjoy a relatively temperate climate and favorable agricultural conditions compared to other parts of the CIS, and are home to co-ethnic communities, such as of Armenians, already established in the region.

Until 1991, the migration flow was largely unregulated by central authorities, and little aid was given to alleviate the additional strain on social services. Provincial authorities complained to Human Rights Watch/Helsinki representatives visiting in 1996 that they had few resources to deal with the problems they faced.

There are no exact figures regarding the total in-migration of IDPs, migrants, and refugees from 1988 to the present; this population is fluid and often does not report its presence because of fear of abuse or deportation. According to the passport service of the Krasnodar Interior Ministry, as of October 1, 1994, there were 184,125 refugees and forced migrants in Krasnodar, mostly Russian-speakers (60.6 percent) and Armenians (24.7 percent). Stavropol district's official 1989 population of 2.41 million jumped to 2.59 million in 1994.<sup>54</sup> The head of the Federal Migration Service in Stavropol District reported that IDPs and refugees were not officially registered until July 1, 1992; before that, he estimated, approximately 5,000-7,000 IDPs — Armenians from Nagorno-Karabakh and Meskhetian Turks from Uzbekistan — arrived in Stavropol because of communal violence in their homelands.<sup>55</sup> Between 1992 and 1994, another 28,601 IDPs and refugees arrived, many of them Russians leaving Chechnya after its declaration of independence. Between December 1994 and May 1995, the Head of the Federal Migration Service added, another

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<sup>54</sup> Figures provided by A.E. Ter-Sarkisyants, Russian Academy of Science. Human Rights Watch interview, Moscow, April 1996.

<sup>55</sup> Human Rights Watch/Helsinki interview, Stavropol, April 9, 1996.

40,000 IDPs arrived, many of them ethnic Russians fleeing the fighting in Chechnya. At present, he continued, there are 53,000 legally registered IDPs and refugees in Stavropol, with the total reaching 100,000 if one includes those not registered.<sup>56</sup> According to the 1989 Soviet census, Krasnodar district (excluding the Adygei Republic located within its territory) had a population of over 4.62 million, which grew to almost five million by the end of 1994.

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<sup>56</sup> "Narusheniya Prav Vynuzhdennykh Migrantov I Etnicheskaia Diskriminatsiya v Krasnodarskom Krae: Polozheniya Meskhetinskikh Turok," Memorial, Moscow 1996, pp. 18-20. Hereinafter "Polozheniye."

The propiska system is strictly enforced in Krasnodar and Stavropol. A decree issued by the head of the administration of Krasnodar district in April 1994 (No. 222), for example, allowed individuals who had received IDP or refugee status from the District Migration Service to receive a propiska. There was one catch, however: to receive such status under Decree #222, one had to have a close relative (spouse, parent, child, brother, or sister) who had been registered as living in Krasnodar for at least five years. This requirement was later raised to ten years by a June 1995 law, No. 9-K3, passed by the provincial legislature.<sup>57</sup> Consequently, while 30.6 percent of all IDPs and refugees lack a propiska, only 13.1 percent of Russian-speaking refugees and IDPs have one, while fully half of all Armenian refugees and IDPs are without a residency permit.<sup>58</sup> The figure jumps to 94.8 percent concerning refugee and internally displaced Meskhetian Turks.

Government Resolution No. 1019 of September 8, 1994 "On Additional Measure to Regulate Migration to Krasnodar Territory" also flouts fundamental rights to freedom of movement and rights to seek asylum by requiring that "foreign citizens and stateless persons who are present illegally in the Krasnodar Territory are to be deported from the Russian Federation."

Similar illegal restrictions have been introduced in Stavropol district through the passage of two laws on October 18, 1994 designed "to limit uncontrolled migration" in the region.<sup>59</sup> Among other things, the laws mandate heavy punishments, particularly fines, for failure to register with authorities. Article 2 of the Law "On Administrative Responsibility for Violating Rules on Visiting and Obtaining Permanent Residence in the Stavropol District," for example, stipulates payment of ten times the average minimum salary, or about \$110, or ten days of imprisonment; such a violation committed by an official is punishable by a fine of about \$250 (Article 3), and housing illegal aliens by an official by a fine of about \$550 (Article 5).

These laws also result in ludicrous and highly punitive administrative demands on newcomers to the region, many of whom are potential asylum-seekers. A man who is registered to live in Stavropol told Human Rights Watch/Helsinki representatives that a local court had ordered his wife, who is from Nagorno-Karabakh, to return to that conflict zone to obtain a vypiska before they would allow her to register to live legally with her husband in Stavropol. Since it is so unsafe, he is going in her stead, and in the meantime, he reported, she does not dare leave the house for fear of being caught in a routine dragnet set to catch violators of the propiska regime. Control is indeed so tight there that the police, obviously in anticipation, reportedly came to their house the very day her temporary permit expired and fined her 600,000 rubles (about \$120).<sup>60</sup>

The laws, which use the phrase "permission for residence status" rather than "propiska," prevent anyone but "legally registered" refugees, internally displaced persons or Russian citizens from even applying for a residence permit. In practice, even they are prevented from applying. The absence of a propiska makes the person vulnerable to detention and police harassment during identity checks, seizure of passport, payment of fines, and bribery. Moreover, without a propiska one cannot work legally or receive free medical care from a state hospital, or send children to school (Article 28). Such restrictions clearly violate protections guaranteed to children in the U.N. Convention of the Rights of the Child to access to health care (Article 24) and education (Article 28).

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<sup>57</sup> *Ibid.*, p. 36.

<sup>58</sup> *Ibid.*, p. 23.

<sup>59</sup> "On Visiting and Obtaining Permanent Residence in the Stavropol District," and "On Administrative Responsibility for Violating Rules on Visiting and Obtaining Permanent Residence in the Stavropol District," *Stavropol'skaia Pravda* (Stavropol Truth), Stavropol, No. 205, October 21, 1994.

<sup>60</sup> Human Rights Watch/Helsinki interview, name of interviewee withheld at his request, Piatigorsk, April 8, 1996.

Second, the increased xenophobic fears among the Slavic population against so-called “individuals of Caucasian nationality” has led to the targeting of people of Caucasian ancestry by police units and security forces. Such harassment has increased since the outbreak of open conflict in Chechnya in December 1994. In addressing a legitimate security concern, i.e. the activity of Chechen rebel forces in areas adjacent to the area of conflict, police forces often view all dark-skinned males as possible Chechen fighters.

Human Rights Watch/Helsinki has received numerous reports that male refugees and IDPs from neighboring areas of the Caucasus — even ones with a propiska — have been subjected to intimidation and physical abuse from security forces during identity checks in Krasnodar and Stavropol regions. This is especially true after violent acts by Chechen forces, such as their seizure of the hospital in Budennovsk, Stavropol, in the summer of 1995, which led to some limited round-ups of ethnic Caucasians, including refugees and IDPS. In the wake, in early July 1995, approximately 100 Chechen families were expelled from their homes by local law enforcement officials. During a recent trip to the region, however, Human Rights Watch/Helsinki staff members heard from several individuals that certain local authorities worked at limiting the fall-out from the Budennovsk raid, which many believed could have degenerated into wide-scale violence against ethnic Caucasians, including IDPS and refugees.

Finally, the rebirth of the Cossack movement has led to an increase in inter-ethnic tensions and human rights abuse, particularly violent attacks and ethnic discrimination. An armed cavalry group that helped conquer and guard borderlands of the Russian empire under the tsars, the Cossacks were brutally repressed by the Bolsheviks and suffered repression during the Stalin era. In this region, Cossacks, who until recently have operated as an independent law-enforcement body, not answerable to government authority, sometimes conduct joint patrols with police units. In the process, they often reportedly commit abuses against the local population, particularly dark-skinned newcomers, in the name of law enforcement.

Cossack groups — or individuals passing themselves off as Cossacks — have been involved in numerous beatings and harassments of ethnic Caucasians, both refugees, IDPs and local residents, while conducting passports checks at markets, train stations, and airports. They have especially targeted the Meskhetian Turk refugees of Krasnodar, launching several violent attacks against them in March 1994 (“Khutor Shkol’nyi”) and November 1995 (“Tabak Sovkhoz”) in which property was damaged and Turks injured.<sup>61</sup> Some Cossack groups have taken an open stand against non-Slavic groups, while others believe that the historical non-Slavic communities in the region should be allowed to stay but that non-Slavic in-migrants, such as IDPs and refugees, represent a criminal element and do not belong in the region.

Despite limited attempts to make the Cossacks answerable for their behavior, the Russian government has failed to condemn their abuses. If anything, both local and central policy has been pro-Cossack. President Yeltsin, for example, made a point of meeting the local Cossack leadership during his April 17, 1996, visit to Krasnodar, and the Russian parliament recently issued a decree giving Cossacks the authority to guard Russia’s borders. There are reports, however, that illegal acts directed against non-Slavs by Cossacks are diminishing.

### **Moscow and Moscow Region**

After accommodating the first waves of Soviet IDPs in the late 1980s, local authorities in the Russian capital city of Moscow have begun reacting with hostility to the large number of asylum-seekers in Moscow. Refugees, IDPs and asylum-seekers are identified in the public mind and, increasingly, in government policies, as a criminal and inherently destabilizing force. As a result, the Moscow authorities have tightened existing residence requirements, which they enforce disproportionately against people of color, many of whom are refugees or asylum-seekers; they conduct advertising campaigns encouraging Muscovites to inform the police of the addresses of individuals they believe to be violating the propiska regime (people of color); and turn a blind eye to the police and special forces (known by the Russian acronym OMON) who beat, arbitrarily detain, harass them and forcibly expel them from refugee hotels.

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<sup>61</sup> *Ibid.*, pp. 84-90.

Several recent legislative acts have laid the legal foundation for current harassment of in-migrants: President Decree 1226 (June 14, 1994) and accompanying implementation rules of June 24, 1995; Presidential Decree 1580 (October 4, 1993); Council of Ministers/Government of the Russian Federation Ordinance 1049 (October 13, 1993); and Moscow City Government Ordinance 1122 (December 7, 1993). Perhaps most egregiously, the latter ordinance mandates escalated enforcement of residence permit requirements in places that house mostly in-migrants, such as hotels, and in some cases requires their expulsion and resettlement to places outside of Moscow.

The gradual privatization of real estate in the region has also dealt a blow to Moscow-based refugees and asylum-seekers. Selling property has proven highly lucrative in Moscow, and previously government-owned hotels, many of which had been designated as free havens for refugees, have come under intense pressure to clear out their current, low-paying residents (refugees) in preparation for sale. Scores of refugees have reported to Human Rights Watch/Helsinki that hotel management intimidates them, such as calling in the police to toss their property out on the streets and seal their rooms, threatens them with expulsion, and shuts off electricity, heat, and water to residents to force them to find alternate housing.

Enforcement of residence requirements violates the right to freedom of movement; physical mistreatment of individuals suspected of propiska violations in Moscow compounds the abuse. Police conduct regular raids on places where refugees and asylum-seekers are known to congregate, such as marketplaces, dormitories, and refugee hotels. There they detain, fine, and often beat individuals who are in violation of the residence regime; there is evidence that detaining officers will ignore or destroy legal permits. According to Presidential Decree 1226, the only determination needed to detain someone or institute a search is that the officers believe there is "sufficient evidence" that the suspect has broken a law. Often a person's place of origin is the only "evidence" deemed necessary to prompt Moscow law enforcement agents to enter a home or detain an individual. The result of the enforcement of residence requirements is that people of color — many of them refugees and asylum-seekers — have been killed, injured, terrorized, humiliated, deported from city limits, forced to keep themselves under *de facto* house arrest and otherwise limit their movement and, ultimately to leave Moscow — perhaps the unspoken goal of the campaign.<sup>62</sup>

## Tajikistan

### Background

In 1992, a devastating civil war in Tajikistan between the government and a coalition of opposition parties, fueled by ethnic and regional differences, led to the deaths of more than 20,000 (with some estimates as high as 50,000) and forced over 800,000 people from their homes. Displaced persons overwhelmingly stayed within Tajik borders, many fleeing to their regions of origin; but hundreds of thousands also fled into other countries of the CIS and over the border into northern Afghanistan.

The civil war culminated a power struggle between the communist-led government and an emerging political opposition during the late 1980s and early 1990s. The coalition opposition drew support primarily from people whose origins were from the mountainous districts of Gharm (hereinafter Gharmis) and Gorno Badakhshan or Pamir (hereinafter Pamiris). The government was supported by the old-guard communist elite from the Leninabad region in

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<sup>62</sup> For a discussion of other discriminatory government attacks against refugees and asylum-seekers, see "Residence Permit (*Propiska*) Requirements" above) and "Russia: Crime or Simply Punishment? Racist Attacks by Moscow Law Enforcement," Human Rights Watch/Helsinki, Vol. 7, No. 12, September 1995.



the north and by people from the southern region of Kulab (hereinafter Kulabis). Much of the violence and discrimination that followed fell along these regional lines. Even though the most intense phase of the war lasted a mere six months, ending in December 1992, hostilities and human rights abuse, largely along these regional lines, continue to this day.

Since April 1994, the U.N. has sponsored peace negotiations, and on September 17, 1994, brokered an agreement in Tehran on the cessation of hostilities (the Tehran Agreement). (The cease-fire has been extended several times, most recently to May 25, 1996.) The United Nations Mission of Observers to Tajikistan (UNMOT), an entity designated to monitor adherence to the Tehran Agreement, was created in December 1994 and operates on an extended mandate due to expire on June 15, 1996. A Russian military presence predates the war, and Tajikistan's lengthy border with volatile Afghanistan has been fortified by Russia-led CIS peacekeeping and border forces. The CIS peacekeeping force's mandate is currently set to run out on June 30, 1996.

Following the first round of U.N.-sponsored peace negotiations, in April 1994, a Joint Refugee Commission was set up in order to look into "the problems relating to refugees and IDPs from Tajikistan." The Commission, which had met twice by the end of 1994, consists of members of the government and the opposition and is chaired by a representative of the United Nations. However, according to officials of the UNHCR, the Commission has been unable to agree on many fundamental issues, notably on the number of refugees, and has become essentially paralyzed by both sides' unwillingness to compromise.<sup>63</sup>

Statistics on the number of refugees and IDPs are unreliable; the government and opposition provide often vastly contradictory figures. Estimates by international organizations are also imprecise as no systematic counting of refugees has taken place in the CIS, and, until recently, the UNHCR has had access to Tajik refugees in only one region of northern Afghanistan (see below.) What is clear is that, although the human rights situation in Tajikistan has in many respects steadily improved since the end of the war, fighting continues sporadically in some areas, and tension still exists in several areas of the country, creating an atmosphere of fear that impedes full repatriation.

Since refugees and IDPs fled their homes for largely the same reasons and under the same circumstances, the UNHCR expanded its traditional mandate in Tajikistan to cover IDPs as well as refugees.<sup>64</sup> In September and October 1994, responsibility for monitoring the human rights of refugees and IDPs in Tajikistan was, for the most part, transferred from the UNHCR to the OSCE. The OSCE has assigned a field officer to three of the field offices previously run by the UNHCR, but unfortunately has left the other field offices understaffed. Human Rights Watch/Helsinki is concerned that the safety of returning refugees and IDPs is jeopardized by the reduced international monitoring presence and is particularly alarmed that the OSCE has closed its office in Bokhtar, where serious abuse is known to be taking place.

Human Rights Watch/Helsinki has conducted numerous field investigations in Tajikistan<sup>65</sup> and issued reports on its findings. Since April 1994, we have had an office in the capital, Dushanbe, which has allowed us to report regularly on ongoing violations and monitor the repatriation process. In December 1995, Human Rights Watch/Helsinki conducted an investigation into conditions for refugees in the four Tajik refugee camps of Konduz, Takhar and Balkh provinces in northern Afghanistan. The team also visited the Bokhtar district in Khatlon region twice and met with scores of returnees. Our researchers raised refugee- and IDP-related human rights concerns with leaders of the Tajik opposition in Afghanistan and with Tajikistan government officials in Dushanbe and Bokhtar.

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<sup>63</sup> Human Rights Watch/Helsinki interview with the UNHCR, November 30, 1995.

<sup>64</sup> The UNHCR also expanded its mandate to cover internally displaced persons and other individuals in "refugee-like situations" in countries such as Cuba, Guatemala, and Haiti.

<sup>65</sup> Human Rights Watch/Helsinki also conducted a joint mission with the Russian-based Human Rights Society Memorial and released a joint report.

### **The Plight of Returnees to Tajikistan**

Thousands of refugees and IDPs who have been uprooted by the conflict remain unable to return home today, more than three years after the cessation of hostilities. Most refugees fear for their safety should they return, based on the inability or unwillingness of local law enforcement bodies and the judiciary to protect returnees from harassment, threats, looting, beatings, and even death. These refugees also know that lawlessness on the part of some policemen puts them at even greater risk of abuse. The reintegration process has also been hampered by the fact that thousands of those who have returned have now spent several years without adequate shelter.

The safety of returnees varies from region to region and is usually determined by a combination of three factors: the composition of the local government, the ethnic and regional makeup of the region, and the presence of international organizations. In the city of Kurgan Teppe and in the Bokhtar and Vakhsh districts, for example, local and central government security forces continue to engage in serious human rights violations, including harassment, illegal detentions and beatings. The government has frequently failed to investigate or take measures to counter discrimination and attacks by armed, pro-government civilians against returnees. In other regions, such as the Jilikul, Kabodian and Shahrtuz districts, the human rights situation is somewhat better; while violations occur, they are not commonplace and returning refugees and internally displaced persons in these areas are more concerned with rebuilding their homes and surviving the nation's crippling economic crisis.

Human Rights Watch/Helsinki has documented cases of reprisals against returning Gharmis, Pamiris, and Uzbeks that have gone unpunished by local law enforcement officials, creating an atmosphere of impunity that discourages sustained repatriation; in the case of many young Gharmi men, it spurs further exodus. The continued presence of the Kulabi victors, and in some instances their Uzbek allies, in nearly all government positions has created a situation where the Gharmis feel they have no recourse to law enforcement officials when subjected to abuse at the hands of Kulabis. The sense that such recourse is entirely unavailable to them is so deeply ingrained that suggesting to a Gharmi that he bring a crime he has been the victim of to the attention of the authorities brings only bitter laughter or silent incredulity that anyone would propose such an absurd course of action.<sup>66</sup> One young man, who had suffered a severe beating in February 1994, said, "Why would I go to the police? If I just show up there, they will beat me up too."<sup>67</sup>

Gharmis in the Bokhtar area currently endure in silence a range of low level crimes. For example, several Gharmis interviewed said that it is not uncommon for Kulabis to steal goods that Gharmis bring to the market. Returnees, young men in particular, interviewed by Human Rights Watch/Helsinki, routinely mentioned that they took defensive precautions such as staying close to their homes, or taking along a child when they ran errands on the theory that Kulabis would be less likely to attack a man with a small child.

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<sup>66</sup> Human Rights Watch/Helsinki found that many of the Gharmis interviewed initially noted improved human rights conditions, but after further conversation it became clear that their failure to protest actual violations was a factor of their decision to withstand abuse without complaint in the face of the hopelessness of redress and in the sincere hope that the violence of the past four years might pass if they would silently endure such conflicts with their Kulabi and Uzbek neighbors.

<sup>67</sup> Human Rights Watch/Helsinki interview in Bokhtar district, December 23, 1995.

In a particularly vivid case of the failure of local law enforcement to protect returnees, Elfaeddin Suleimanov, a thirty-seven-year-old returnee IDP, was shot and killed in the village of Stakhanov in the Bokhtar district on May 13, 1995. Ayubshoh Rustamov, who had been the driver and bodyguard of the deputy chief of police of Khatlon province,<sup>68</sup> was convicted of negligent homicide and sentenced to one and a half years of hard labor.<sup>69</sup> According to neighbors, the convict and his family had terrorized the Gharmis in the village with impunity since the civil war. One of victim's second cousins reportedly had been sexually assaulted by the convict and had also been subjected to attempts to enlist her into forced labor by the convict's father.<sup>70</sup> And one neighbor added that her husband had been beaten by the convict in the past.<sup>71</sup> Although Rustamov was sentenced to hard labor, neighbors and relatives of the victim told Human Rights Watch/Helsinki that not only has the convict not been working, but has been permitted to serve his sentence at his home, which is only a few houses away from the victim's.<sup>72</sup> Many of the neighbors interviewed felt that Rustamov's apparent impunity is part of a pattern of abuse.

### **The Plight of Refugees in Northern Afghanistan**

The UNHCR estimates that some 90,000 refugees fled to northern Afghanistan in the period during and immediately following the civil war, some 60,000 of which stayed in Afghanistan for a significant period of time. Of these, some 27,500 fled to Balkh province to a UNHCR administered refugee camp near Mazar-I-Sharif, the provincial capital. Some 25,000 others fled to Konduz and Takhar provinces, where three camps were established. Konduz and Takhar provinces fall within territory controlled by the Kabul government of President Burnahuddin Rabbani and Defense Minister General Ahmad Shah Massoud. Balkh province, on the other hand, falls within the territory controlled by General Abdul Rashid Dostum, who administers this territory as a separate government.

The UNHCR has had a continuous and prominent presence in the Sakhi camp (Balkh province). However, in 1995 the UNHCR announced it would terminate its care and maintenance program in Sakhi at the end of April 1996 and began intensifying its encouragement of Tajik refugees there to return to Tajikistan. Part of this campaign included a series of reductions in rations, by ten percent per person in October 1995 and another 10 percent in December 1995, and a final ten percent scheduled for April 1996.<sup>73</sup> These measures have been protested not only by the refugees themselves but by MSF, which insists that the reductions are excessive. One MSF doctor pointed out that, during the winter, even WFP's standards call for an increase to 2,400 calories. However, the UNHCR ration cuts were designed to take place over the course of the winter without any adjustments to the summer ration levels.<sup>74</sup>

The experiences of the Tajik refugees in Afghanistan are unique in at least two significant respects. First, the UNHCR has enjoyed sustained and free access to the refugees near Mazar-I-Sharif, but has had little or no access to the refugees in Konduz and Takhar provinces until recently, when they began more actively negotiating with the opposition for access to the camps. Second, the Tajik opposition has exercised significantly more control over the operations of the refugee camps in Konduz and Takhar provinces than in Balkh province. Tragically, the refugees in this ostensibly safe haven in Afghanistan have at times fallen victim to the ongoing civil war in that country. Following one particular

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<sup>68</sup> UNHCR Field Incident Report, Case No. BA-95-20.

<sup>69</sup> Human Rights Watch/Helsinki interview with Mr. Asimov, January 4, 1996.

<sup>70</sup> Human Rights Watch/Helsinki interview, December 24, 1995.

<sup>71</sup> *Ibid.*

<sup>72</sup> *Ibid.*

<sup>73</sup> Human Rights Watch/Helsinki interviews with UNHCR, December 17, 1995, with MSF/Belgium, December 20, 1995, and with refugees in Sakhi camp, December 21-22, 1995.

<sup>74</sup> Human Rights Watch/Helsinki interview with MSF/Belgium, December 20, 1995.

series of raids on Konduz in June 1994, in which at least ten Tajik refugees were killed, frightened refugees decided, in the words of one middle-aged Tajik woman, that "it would be better to die in our own motherland."<sup>75</sup>

Among the displaced in the CIS, the thousands of refugees currently living in the camps in Konduz and Takhar face a unique problem: since November 1994, the opposition forces that control these camps have maintained a ban on repatriation. During a December 1995 meeting with Human Rights Watch/Helsinki, Tajik opposition leaders acknowledged that the Tajik opposition had "temporarily stopped repatriation." The leaders explained that the opposition had instituted a "ban" on repatriation out of concern that people who return to Tajikistan would either be killed or otherwise suffer. The purpose of this ban may be to send the message that, despite their military defeat, they continue to wield power over Tajik residents and, conversely, that the government has failed to return stability to the country.

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<sup>75</sup> *Ibid.* The Tajik refugees killed were not the target of the attacks, but innocent victims of the violence in Afghanistan.

The Human Rights Watch/Helsinki investigation revealed that even before opposition leaders imposed the ban on repatriation, they had strictly controlled the flow of information into the refugee camps regarding conditions in Tajikistan, making it difficult for Tajik refugees to make an informed decision about unassisted repatriation. The UNHCR's lack of access to the camps in Konduz and Takhar has been particularly fatal to this information flow (see below).<sup>76</sup>

Even before the imposition of the ban, returnees had identified various efforts by the opposition to impede repatriation. Several of those interviewed in the Bokhtar region stated that although they were not physically prevented from returning to Tajikistan, the Tajik opposition regularly advised the refugees not to go back, warning that those who go back will certainly suffer abuse at the hands of the government and their Kulabi neighbors.<sup>77</sup> Other returnees noted in 1994 that there had been a checkpoint between Konduz City and Sher Kan Bandar that was manned by armed men from the Tajik opposition who stopped and returned to the refugee camps any refugee seeking to repatriate. Moreover, refugees have been inaccurately informed that people are starving throughout the country. Some returnees who had initially told Human Rights Watch/Helsinki that refugees in Konduz and Takhar were free to repatriate, after further conversation conceded that they themselves had not told camp authorities or their neighbors about their plans to repatriate out of fear that the camp authorities might prevent their departure.

Camp officials have also deliberately denied refugees access to the humanitarian assistance offered by the UNHCR and Médecins sans Frontières/Belgium. Following recent negotiations, the Tajik opposition has agreed to permit the UNHCR to make limited visits to these camps and to provide some assistance. In the meantime, while it is difficult to argue that living conditions in the refugee camps of Konduz and Takhar have reached such a level of hardship that the Tajik opposition's failure to grant access constitutes a violation of international standards, there is reason for concern that conditions will soon deteriorate to such a point.

The Tajik opposition's refusal to grant aid organizations access to the camps may also not constitute a violation of international standards; however, Human Rights Watch/Helsinki believes the opposition has a moral obligation to permit such aid, given the squalid living conditions in the camps. Refugees in all three camps in Konduz and Takhar provinces face persistent and possibly life-threatening problems that would most likely be alleviated by outside assistance. These problems include lack of proper food for children, a near-total lack of fruit and vegetables, extremely poor access to drinking water, and outbreaks of malaria, typhoid, and other diseases. Furthermore, the UNHCR, which is uniquely suited to provide the complete and balanced information necessary for a decision to repatriate unsupervised, must be granted access to all of the Tajik refugee camps.

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<sup>76</sup> The UNHCR has tried to mitigate such limitations by facilitating an exchange of letters between people in the camps and friends and relatives at home, by providing radio communication between them, and by assisting ten delegations of refugees from northern Afghanistan to visit their villages in Tajikistan to assess the situation for themselves.

<sup>77</sup> Human Rights Watch interviews in Bokhtar District, December 8-10 and 22-23, 1995.

## APPENDIX

### STATE OF RATIFICATION OF SELECTED UNITED NATIONS HUMAN RIGHTS INSTRUMENTS

| COUNTRY            | CSR51/<br>CSRP67 | CSSP54 | CRS61 | ICCPR66 | CAT84 | CERD65 | CRC89 |
|--------------------|------------------|--------|-------|---------|-------|--------|-------|
| Armenia            | X                | X      | X     | X       | X     | X      | X     |
| Azerbaijan         | X                |        |       | X       |       |        | X     |
| Georgia            |                  |        |       | X       | X     |        | X     |
| Russian Federation | X                |        |       | X       | X     | X      | X     |
| Tajikistan         | X                |        |       |         | X     | X      | X     |

|              |                                                                                               |
|--------------|-----------------------------------------------------------------------------------------------|
| CSR51/CSRP67 | 1951 Convention and/or 1967 Protocol relating to the Status of Refugees                       |
| CSSP54       | 1954 Convention relating to the Status of Stateless Persons                                   |
| CRS61        | 1961 Convention on the Reduction of Statelessness                                             |
| ICCPR66      | 1966 International Covenant on Civil and Political Rights                                     |
| CAT84        | 1984 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment |
| CERD65       | 1965 Convention on the Elimination of All Forms of Racial Discrimination                      |
| CRC89        | 1989 Convention of the Rights of the Child                                                    |

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### *Human Rights Watch/Helsinki*

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