

RUSSIAN FEDERATION

MOSCOW: OPEN SEASON, CLOSED CITY

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From September 5-7 during the commemoration festivities for the 850th anniversary, Moscow will be open for out-of-town citizens, stated Valerii Shantsev, Vice-Mayor of the capital. In addition, he noted, there will be heightened supervision over out-of-towners. There are plans to check all railroad stations, airports and ground transport entering Moscow. These measures are being introduced to prevent criminal elements from Russia's regions and countries of the CIS from entering the capital. However, these actions will in no way hinder all those who wish to come to see the capital in its jubilee. Segodnya (Today), August 14, 1997, page 1.

SUMMARY

Today Moscow is throwing its doors open to visitors to help celebrate the 850th anniversary of its founding. The great lengths that the Moscow city government, led by Mayor Yuri Luzhkov, has invested in the city's celebrations to attract visitors contrasts sharply with its strictly enforced policy, left over from the Soviet era, to limit and control visitors' stays in the capital, and to make residence in Moscow practically off-limits to non-Muscovites. Even with

several apparent recent improvements, Moscow's implementation of Russia's civilian registration system, which requires permanent residents and visitors to register with the police, remains unduly onerous and discriminatory. Indeed, current registration rules in Moscow amount to a licensing system and are not based on the idea of notification, as the federal rules were intended. They infringe on freedom of movement as much as their predecessor, the *propiska*—or the obligatory permit that appeared (and continues to appear) as a stamp in every citizen's internal passport indicating his or her place of residence.

Inextricably linked to these limits on freedom of movement are three central human rights problems, which the present report documents. First, the rules are crafted to discriminate against citizens from the Commonwealth of Independent States (CIS), who enjoy the right to entry to Russia without a visa. Under the Russian constitution, they enjoy same rights as Russian citizens, yet they must pay a fee equivalent to U.S.\$45 for the privilege of visiting Russia for more than fifteen days.

Second, the rules' vague assignments of sanctions are an open invitation for police abuse, and indeed police enforce these rules in a way that is so predatory and discriminatory that the rules appear as mere pretexts for abuse, including extortion, beatings, invasion of privacy and destruction of identity documents. Police routinely and vigorously detain individuals on identity checks for registration documents, and apparently do so overwhelmingly on the basis of skin color. Russian citizens are as much prey to discriminatory identity checks as citizens from the CIS. The scale of registration policy enforcement and the infringement of such rights as the right to privacy for the sake of enforcement, is characteristic of a declared state of emergency, yet no such state of emergency exists.

Third, the strictly enforced rules place an additional burden on asylum seekers, who suffer overwhelmingly from the police abuse described above. Asylum seekers are screened and registered by the United Nations High Commissioner for Refugees (UNHCR), under an agreement with federal authorities, and by the Moscow Migration Service (MMS), the government agency responsible for processing asylum applications in the capital. But central police agencies routinely refuse to accept the validity of these credentials or of refugee status itself. Police systematically stop such refugees in the street or enter their homes without warrants, tear up their UNHCR and MMS cards, and extort on the spot "fines"—without receipts—for failure to register with the police. Scores of refugees told Human Rights Watch/Helsinki of experiencing numerous arrests, often accompanied by beatings, in which demands for documents appeared primarily an opportunity for police to strip them of money and valuables. Most asylum seekers confront a range of obstacles by which they are effectively denied the opportunity to register with the police as residents of Moscow: their failure to do so means they are deemed to be in Moscow illegally. They also face detention in holding centers and deportation, despite their right to asylum under federal law and regulations.

Under special Moscow rules, asylum seekers from the CIS and the Baltic states cannot apply for asylum in Moscow unless they have either a Moscow permanent residence permit or close relatives in Moscow with whom they can cohabit. Those who do not, the vast majority, have no institution to turn to for protection; for them, living in Moscow is running a daily gauntlet of police demanding money, and the real prospect of police beatings, detention and deportation.

During the Soviet era, Moscow was the most privileged city in the Soviet Union, well stocked with consumer goods that were unavailable elsewhere, and the Moscow *propiska* was nearly impossible to obtain. Moscow remains Russia's undisputed beacon city. It has enjoyed economic growth unparalleled in Russia's regions, many of which are reeling in the transition from the Soviet-era command economy. Moscow's leaders justify the need to maintain residence and visitors' restrictions and to enforce a policy of no refugees by pointing to a need to achieve zero population growth in the city. City officials perceive Moscow to be flooded with illegal immigrants, refugees, internally displaced and other forced migrants from other parts of Russia and from the CIS, who may travel and reside in Russia without a visa.

Moscow is not the only region in Russia with highly restrictive registration systems for short visits and residence. Stavropol and Krasnodar provinces, for example have long maintained them, presumably to deter refugees

from the nearby Caucasus, which has been torn by war and ethnic violence since 1988. St. Petersburg, Russia's second city, enforces rules similar to Moscow's as does Voronezh, a city in Russia's Black Earth Region. (Human Rights Watch/Helsinki has conducted research on the registration system and its enforcement in Stavropol and Krasnodar, and will soon publish a report on its findings.)

We single out Moscow in this report for two reasons. First, police abuse of asylum seekers—on the pretext of enforcing registration rules—has reached an intolerable level, especially in the months preceding the 850th anniversary celebrations. In mid-May Mayor Luzhkov ordered the city's migration services to "remove refugees and displaced persons" illegally residing in Moscow, which appeared to initiate this latest campaign. Second, Moscow authorities have appeared unwilling or unable to prevent and punish wide-scale human rights abuse committed in the name of enforcing registration requirements. At the same time, however, the city government has demonstrated a willingness to relax slightly its restrictive policies, following the adoption of a new Russian law on refugees, judicial decisions favoring freedom of movement.

RECOMMENDATIONS

Human Rights Watch/Helsinki respectfully submits the following recommendations:

To the City of Moscow and the Moscow Region:

- The Moscow City Council should amend its law to cancel the discriminatory fee for temporary stays in Moscow imposed on foreigners who enjoy visa-free travel to Russia; it should amend the same law to eliminate the imposition and collection of on-the-spot-fines by police as a step toward controlling police corruption in the enforcement of registration regulations. The sanction system should be brought under judicial control;
- Denial of applications for permanent or temporary residence should be made only for compelling reasons of public health, public order, public morals, national security or the rights and freedoms of others. Unsuccessful applicants should given in writing the specific reasons for denial. This document would be admissible in court reviews of registration cases;
- Instruct the Main Department of Internal Affairs (GUVD) of the city of Moscow to accept UNHCR refugee identification and Moscow Migration Service certification cards as valid and exhaustive documents for registration with the police. The Directorate for Visas and Registration (UVIR) should place a representative at the offices of the Moscow Migration Service to carry out police registration. A committee of representatives from the GUVD and such law enforcement agencies should meet regularly with refugee advocates, beginning within one month of the dissemination of such an instruction, to check implementation;
- Cease conducting passport checks without warrants in private homes;
- Immediately cease detaining asylum seekers registered with the UNHCR on the grounds that they are not registered with the police as Moscow residents, and instruct the GUVD to release all those held in detention and awaiting deportation on such grounds;
- Launch a special campaign to encourage victims of police abuse to report their claims and to provide effective means for the public to do so;
- In order to more fully guarantee the right to freedom of movement and choice of residence, the notion of permanent residence for those who are newcomers to Moscow must be decoupled from the notion of ownership and rightful (within Russian civil law) claims to free or subsidized municipal housing; and

- Cooperate with independent reviews of Moscow and Moscow Region infrastructure, housing conditions, economic conditions, public health, and dangers of overpopulation, and re-structure the registration system to maximize freedom of movement for all those legally in Russian Federation;

To the Federal Migration Service:

- Provide refugees and the internally displaced full and regularly updated information on regions in Russia that are capable of receiving refugees and internally displaced persons and the addresses of relevant government offices. Such information would also include copies of Russian and regional laws and normative acts concerning refugee policy, registration rules for permanent residence and temporary stays, and objective data about housing and job opportunities and other economic conditions in the regions. Points of distribution should include all regional migration service offices, Russian consulates abroad, and refugee and human rights organizations throughout Russia and the CIS; and
- Provide full and accurate information on government-funded housing for refugees currently residing in Moscow hotels. In cooperation with refugee advocacy organizations, organize an independent conciliation commission that would investigate refugee claims of housing assignments to locations outside Moscow where such housing was inappropriate, uninhabitable or did not exist.

To the Russian Federation Government:

- Order the Moscow Migration Service to cease rejecting applications for asylum on the grounds that the applicant is not a resident of Moscow or has no close relatives in the city. Accepting an application for asylum should not be seen as a commitment to settle permanently the successful applicant in Moscow. Ensure that the Moscow city and region governments facilitate asylum seekers in remaining in Moscow until the end of the asylum process;
- Conduct a full review of the adherence of Moscow's regulations and practices in the area of registration to federal laws and rules, and of areas of divergence in which Moscow norms result in the violation of freedom of movement, the right to privacy and refugee rights;
- the Procurator General should oversee a full review of police abuse related to the registration system and should take disciplinary action, including criminal prosecution, action against violators; and
- Ensure that no refugees residing in Moscow hotels who challenge their new housing assignments are evicted from their premises without a housing assignment.

To the UNHCR

- The High Commissioner should personally urge the Russian government at the highest level to cease immediately the illegal treatment of asylum seekers documented in this report and to secure guarantees that UNHCR refugee cards will be accepted as identity documents.

To the International Community

- In the interests of securing freedom of movement for Russian citizens and those persons legally on Russian Federation territory, and of guaranteeing the fullest protection of asylum seekers, the international community should press for the Russian Federation to abide by its international human rights obligations and to cease tolerating in Moscow the abuse documented in this report. Furthermore, the international community should directly press Moscow authorities to reform its appalling treatment of non-Muscovites—Russians and

foreigners alike—and especially of asylum seekers, and to this end it should condition the investment of financial assistance to the capital.

INTRODUCTION

For almost a decade, Russia has been a magnet for refugees and forced migrants, especially those from the CIS.¹ Since 1993, between three and four million people migrated to Russia from the CIS, of whom about 1,200,000 are registered as refugees or internally displaced.² In the first years after the break-up of the Soviet Union, it also became a destination for asylum seekers from outside the CIS and the Baltic states; as of February 1997 the UNHCR in Russia registered 27,694 such individuals and refugees.³ The International Organization for Migration believes the number of illegal immigrants in Russia from outside the CIS and Baltic states is rising and will become an urgent problem, and the the Federal Migration Services estimates that they number 500,000.⁴

¹ See Human Rights Watch/Helsinki, "The Commonwealth of Independent States: Refugees and Internally Displaced Persons in Armenia, Azerbaijan, Georgia, The Russian Federation, and Tajikistan," *A Human Rights Watch Short Report*, Vol. 8, no. 7 (D), May 1996.

² Under Russian law, a Russian Federation citizen who lives outside Russia and receives asylum in Russia is an internally displaced person. Hence, a Russian Federation citizen who resides in Tajikistan and seeks refuge in Russia is an internally displaced person (IDP); a citizen of Tajikistan who faces persecution and receives asylum in Russia is a refugee.

³ These asylum seekers are citizens of: Afghanistan, 70 percent; Somalia, 9 percent; Iraq, 6.5 percent; Angola, 3 percent; Sri Lanka, 3 percent; Ethiopia, 2 percent; Zaire, 1.5 percent; Iran, 0.7 percent; Rwanda, 0.4 percent.

⁴ Associated Press, "Illegal Aliens on the Rise," January 18, 1997.

Russia's most populous and economically vibrant city, Moscow, is a natural destination for refugees and forced migrants; including asylum seekers from the CIS and beyond, refugees from the war in Chechnya, and migrants who face devastated economies in their home regions, in Russia and other CIS countries. Moscow city officials often invoke imagery of a wave of immigrants sweeping over the city, causing a rise in crime⁵ and straining the city's resources and infrastructure to the brink. Motivated, no doubt, by these concerns it has succeeded in limiting the capital's official population growth and at severely limiting the number of refugees and displaced persons who settle there. Indeed, after hitting a peak of nearly nine million in 1989, Moscow's population gradually declined to 8.7 million in 1996; its decline, by 1 percent each year from 1994 through 1996 mirrors exactly the overall population decline for the Russian Federation.⁶

The Moscow Migration Service (MMS) attributes the growth of Moscow's population since 1989 exclusively to migration, and maintains an explicit policy of lowering the city's population to 8.5 million. This corresponds to the city's projected housing construction goal of maintaining zero population growth.⁷ The MMS estimates the number of unregistered residents, who are not reflected in the above statistics, to be 1.5 million, although it is unclear how it reached that estimate; an Moscow research institute estimated the number of illegal migrants to be 280,000 - 300,000. The MMS faults a lax federal migration policy for the presence of illegal migrants, who, it claims threaten the city with "pollution," "spreading of various diseases" and "economic damage." Although it is unclear what the specific threats are, the city government invokes a range of them, and the need to achieve zero population growth, to support its

⁵ Data provided by the Procuracy of the City of Moscow, in 1996; 79.7 percent of all crimes in Moscow were committed by Russian citizens, 16.2 percent by citizens from CIS countries:

Type of Information	1996	January - April 1997
Crimes committed by citizens of the Russian Federation	79.7 %	83.4 %
Serious crimes committed by citizens of the Russian Federation	82.9 %	82.4 %
Crimes committed by citizens of the CIS and Baltic states	16.2 %	11.7 %
Serious crimes committed by citizens of the CIS and Baltic states	12 %	10.6 %
Crimes committed by refugees (raw figure)	91	N/A
Crimes committed by refugees as percentage	0.1 %	N/A

⁶ The population of Moscow Region similarly dropped by 1 percent until 1996, when it rose by one percent during the same period, the population of Russia for the same period rose slightly, then began to decline. Raw population figures are as follows: for the Russian Federation, 1989: 147.7 million; 1994, 148.4 million; 1995, 148.3 million; 1996, 148 million. For the city of Moscow: 1989: 9 million; 1994: 8.8 million; 1995, 8.71 million; 1996, 8.66 million. All figures are cited from *The Demographic Yearbook of Russia: A Statistical Handbook* (Moscow: Goskomstat, 1996), p. 26.

⁷ Anatoly Vasil'evich Korostylev, Chief Specialist, Moscow Migration Service. Speech at *Programma "Organizatsiya seti yuridicheskikh konsul'tatsii dlya bezhentsev i vyzhdenykh Pereselentsev"* (Seminar on organizing a network of legal services for refugees and forced migrants in Russia), organized by Civic Assistance, Moscow, April 24, 1994. All other information concerning migration policy in this paragraph is attributable to the same source.

restrictive system of registration for temporary visits and permanent residence, its highly exclusive refugee policy, and its public rhetoric on visitors, refugees and migrants.

Accordingly, Moscow accounts for only a small share of Russia's refugee population. As of January 1, 1996, the city of Moscow had registered 15,112 refugees and displaced persons, and Moscow Region⁸ had registered 11,657.⁹ Moscow's share of CIS refugees and displaced persons accounts for a mere 1.5 percent of the Russian Federation total, whereas Moscow constitutes 5.8 percent of the country's population.

MOSCOW'S REGISTRATION AND REFUGEE POLICY: A STATE WITHIN A STATE¹⁰

Registration for Temporary Stays

The Russian government allows Moscow very broad discretion in the implementation of federal laws and programs.¹¹ In registration and refugee policy, Moscow conducts itself as a state within a state in ways that violate human rights guaranteed by the Russian constitution and international instruments which Russia is obligated to uphold.

⁸ Moscow Region (Moskovskaya oblast) is one of Russia's eighty-nine administrative units, as is the city of Moscow. Administrative units include republic, *krai* (territory), *oblast* (region), and *avtonomnyi okrug* (autonomous district). The city of St. Petersburg also is its own unit, as is its outlying Leningrad Region.

⁹ Goskomstat, *The Demographic Yearbook of Russia*, pp. 522-525. The overwhelming majority of these refugees and IDPs are from Azerbaijan, Georgia, Tajikistan and Russia. In 1996, the majority of newly registered refugees in Moscow came from Chechnya. For a useful survey of the social composition of Moscow's refugees and of public attitudes toward refugees in the capital, see Andrei Kamenskii, *Chuzhiye v gorode* ("Strangers in the City"), *Moskovskiye Novosti* (The Moscow News), no. 31, August 3-10, 1997, p. 12.

¹⁰ For an excellent resumé of Federal and Moscow rules in Russian, see The Memorial Human Rights Center and Equilibre, "*O polozhenii s predostavlenem statusa bezhentsam i vynuzhdennym pereselentsam i registratsii po mestu zhitel'stva i mestu prebyvaniya v Moskovskom regione*" (On the situation of Receiving Refugee and IDP status and of obtaining documents for registration for temporary stays and permanent residence), Moscow, 1997. For a report on discriminatory enforcement of registration rules in Moscow in 1995, see Human Rights Watch/Helsinki, "Crime or Simply Punishment: Racist Attacks by Moscow Law Enforcement," *A Human Rights Watch Report*, vol. 7, no. 12, September 1995.

¹¹ Notably, Moscow was able to opt out of Russia's privatization program in 1992, and its housing reform program

initiated in spring 1997. For a recent survey of how Moscow Mayor Yuri Luzhkov muscles his way past the federal government, see Alessandra Stanley, "The Power Broker," *New York Times Magazine*, August 31, 1997, pp. 44-47.

Moscow exceeds its authority in interpreting federal rules on registration for visits, Resolution 713,¹² in three ways. First, whereas federal rules allow for “citizens of the former USSR” to register under the same terms as Russian citizens,¹³ Moscow rules set out a dual registration system, one for Russian citizens (Resolution 1030-RM)¹⁴ and one for CIS citizens, who do not require a visa for travel to Russia. Until July 9, under Resolution 637-RM,¹⁵ citizens of CIS countries could register for only forty-five days at a time, which required them to repeat the onerous process of extending their registrations, if they desired to do so. They also had to pay a fee of 10 percent of the minimum monthly salary per day; hence, if a CIS citizen wished to enjoy the right to stay in Moscow for a full six months, he or she had to pay 1.5 million rubles, or about \$259.¹⁶ City and regional regulations for registering Russian citizens, Resolution 1030-RM, required neither of Russian citizens. Under a new law adopted on July 9 by the Moscow City Council,¹⁷ CIS citizens need to register only once for a stay of up to six months, eliminating the bureaucratic obstacles involved in extending registration. The fee dropped to three minimal monthly salaries, or 250,000 rubles (about \$43.)¹⁸

Second, the federal rules state clearly that the only fee owed for registration is the nominal fee for state transactions of one percent of the minimum monthly salary (or about \$1.25). Resolution 1030-RM, in its amended version, abides by this rule, but internal Moscow City Department of Internal Affairs (GUVd) instructions introduced a new fee. In Telegram 10-32, the GUVd requires *all* visitors to Moscow who stay with friends or relatives—and hence do not pay rent—to pay 250,000 rubles “rent” if they wish to stay longer than forty-five days. This extra fee is additional

¹² Rules on Registration and Deregistration for Short Visits and for Permanent Residence in the Russian Federation. Resolution No. 713 of the Government of the Russian Federation, July 17, 1995, amended April 23, 1996 as Resolution No. 512. The rules were intended to serve mostly as notification of residence, although they also legislate restrictions on freedom of movement. See below, under “Evaluation.” The rules require those wishing to register to present to the police and local housing commission either a lease or sublease agreement or, if the individual wishes to stay in a friend or relative’s dwelling, an authorization from all adults residing in the dwelling. Local authorities may deny requests for registration if the dwelling is not private property and not all adult residents of the dwelling agree to the registration. If the living quarters are not the property of the primary dweller (i.e., if they are the property of the municipality), then the request to register must be made by the building manager or the local government. In cases of rejection, the applicant may appeal to a court. Most of the rules referred to in this report can be found in *Pasportnyi Rezhim* (Passport Regime), (Moscow: Prior, 1997)

¹³ Russian Federation Resolution 713 did not treat citizens from other republics of the former USSR. This category of individuals was dealt with in Resolution No. 290 of the Government of Russia, on the Applicability of the Rules of Registration and Deregistration for Short Stays and Permanent Residence in the Russian Federation to citizens of the former USSR visiting from Member States of the CIS and from the Baltic states. Although the language is vague, Human Rights Watch/Helsinki assumes that “citizens of the former USSR” applies to all individuals from the CIS and Baltic states, and not only those who continue to retain their USSR citizenship because they have not yet reached a decision about which citizenship to adopt.

¹⁴ Resolution on the Registration and Deregistration of Russian Citizens for Temporary Stays and Permanent Residence in Moscow and Moscow Region, Resolution No. 1030-54, December 26, 1995, amended December 17, 1996, by a joint resolution of the governments of the City of Moscow and Moscow Region in Resolution No. 979-42.

¹⁵ Resolution No. 637-RM on Introducing a Special Regime for Visitor in the City of Moscow—the Capital of the Russian Federation—for citizens who Reside Permanently outside Russia’s Borders, amended on May 16 by Resolution No. 303-RM on Introducing Amendments and Additions to [Resolution 637-RM].

¹⁶ According to Goskomstat, the average monthly wage in Moscow is \$254. The minimum monthly salary is about 83,000 rubles, US\$14.

¹⁷ Law on Conditions for Stays in Moscow by Foreign Citizens who Enjoy the Right to Visa-less entry to Russia.

¹⁸ Exempted from the fee are Belarus citizens, World War II veterans, close relatives of Muscovites, and citizens of the former USSR living in Estonia and Latvia, and all visitors who stay for fifteen days or fewer.

to the flat registration fee that CIS visitors pay, and is credited to the account of Moszhilservis, which provides electricity, heat, gas, sewage and maintenance for Moscow housing.

Third, whereas the federal rules allow the visitor three days in which to register for stays of ten days or longer, Moscow requires all visitors to register within twenty-four hours for stays of three days or longer.

Fourth, whereas the federal rules merely state generally that sanctions for violations of the registration system are those “that are in accordance with Russian Federation legislation [paragraph 8],” Moscow rules introduce a sanctions regime that Human Rights Watch believes go beyond the boundaries of necessity for notification and constitutes a discriminatory regime of exclusion, intolerance and arbitrary exactions. Moreover, sanctions for Russian citizens differ from those that apply to CIS citizens. For Russian citizens who are first-time violators, sanctions range from a warning to a fine of up to five minimum monthly salaries (413,000 rubles, or about \$72); repeat offenders are punished by a fine of up to fifty minimum monthly salaries for repeat offenses.¹⁹ Under the July 9 city law, sanctions for first-time violators from the CIS range up to a fine of five minimal salaries; repeat offenders are punished by a fine of up to twenty minimal salaries, or 1.7 million rubles (about \$288).²⁰ In practice, the legal provision for fines establishes a basis for police routinely to demand payment of refugees, immigrants and dark-skinned visitors in which the police themselves appear to be the sole benefactors.

The federal rules limit temporary stays to six months, a period that may be extended only in “exceptional” case of serious illness; they do not provide argumentation for the choice of this six-month period.²¹ Notably, the Resolution is silent on the issue of repeated stays. Moscow abides by this rule²²

Under the old rules—Resolution 637-RM—CIS citizens who repeatedly violate registration rules could be expelled from Moscow to their place of residence, a sanction that may still be enforced.²³ Resolution 637-RM provided no criteria for determining in what circumstances expulsion rather than a fine is to be applied as a sanction.

¹⁹ In addition, residents who provide housing to those who do not register and officials who tolerate non-registration, and heads of organizations whose workers do not register are also subject to fines of five, five, and thirty minimum monthly salaries, respectively.

²⁰ According to Yu. I. Sharagorov, Acting Head of the Passport Directorate of the City of Moscow, sanctions for violation of the registration system are based on the RSFSR Civil Code, articles 27, 33-40, and 179-181. The latter deal with violations of the Soviet-era propiska system. Letter from Mr. Sharagorov to V.V. Vershkov, Head of the Department of Public Information and Public Relations of the Moscow GUVd (undated), written in response to queries submitted by Human Rights Watch/Helsinki. Hereinafter, Sharagorov letter. To its credit, in 1996 the Moscow city government lowered significantly what had been prohibitive fines for failure to register. Resolution 637-RM had originally established a fine of two to five minimum monthly salaries for failure to register within twenty-four hours, and ten to fifty minimum salaries for failure within three days. It also assigned stiff fines for residence owners, enterprises and organizations for who fail to comply by housing or employing unregistered individuals.

²¹ Human Rights Watch/Helsinki opposes aspects of the federal rules as well. See below, “Evaluation.” A July 17, 1995 Human Rights Watch/Helsinki letter to Russian Prime Minister Viktor Chernomyrdin enumerated our concerns.

²² The six month limit was introduced in the 1996 amendments. Previously the limit was three months. Many categories of individuals may extend their stay beyond six months, including refugees recognized as such by the Russian government, certain categories of students, and long-term workers with a contract.

²³ Under Russian jurisprudence, the July 9 law should take precedence over Resolution 637-RM. It remains unclear, however, whether the law takes precedence *only* in cases of contradictions between it and the resolution (for example, the fee and fine schedule), or whether with its adoption Resolution 637 automatically loses force. The July 9 law makes no reference at all to Resolution 637-RM or to its expiry. The July 9 law remains silent on expulsion from the city as a sanction, but expulsion cannot be ruled out. In principle the law should replace completely Resolution 637-RM, since in Russia laws take precedence over administrative rulings. The law’s silence on 637-RM has caused confusion among visitors; law enforcement officials, notorious for their failure to implement rules softening the registration system’s stricter features, reportedly continue to invoke Resolution 637-

Registration for Permanent Residence

RM to explain identity checks. Telephone conversation with Svetlana Gannushkina, Chair, Civic Assistance, August 28, 1997.

Federal rules on permanent residence, also set out in Resolution 713, are rather broad and set out a procedure similar to that for short visits.²⁴ However Moscow rules, in city Resolution 1030-RM, limit new permanent residence permits to, among others, those who have purchased a dwelling or those who have close relatives²⁵ with whom they can co-habit. In most circumstances one may not, for example, obtain a permanent residence permit on the basis of a long-term lease contract.²⁶ These rules make it virtually impossible for average Russian citizens and CIS citizens to obtain permanent residence permits for Moscow.

²⁴ The rules require the applicant for permanent residence to inform the registration authorities within seven days, to present a government order, lease, proof of ownership or inheritance, and pay a nominal fee. Registration may be denied for the same reasons as for temporary visits, as well as for reasons related to the physical state of the dwelling, and denials are appealable to a court.

²⁵ Close relative denotes parent, sibling, child, grandparent, or grandchild.

²⁶ This system flows directly from the propiska system, which was enforced in the tsarist and Soviet eras. Prior to the 1917 revolution, the tsarist government enforced an internal passport system to tie peasants to their villages. The propiska (stamped in one's internal passport) was formally reintroduced during the Soviet period in 1932 with the aim of controlling the movement of individuals and stemming the tide of impoverished peasants into better-supplied urban centers. The propiska was

In 1996 the Constitutional Court of the Russian Federation ruled unconstitutional²⁷ the prohibitive registration fee—500 minimum monthly salaries—for permanent residence in Moscow that was established by a 1994 Moscow city law.²⁸ The subsequent Moscow Region law,²⁹ adopted after the court's 1996 ruling, which established a fee of 300 minimum monthly salaries (more than 22.5 million rubles or \$3,900) for a residence permit, was ruled unconstitutional

imperative for employment and all social benefits: access to schools, health care, pensions, social security benefits and the like. Dwellings to which individuals were assigned and for which they received a propiska often remained in the family for generations. Moreover, having a propiska in a particular region was a prerequisite for being on waiting lists for government housing in that region. For a more extensive treatment of the propiska system and its human rights implications, see "Crime or Simply Punishment" and Helsinki Watch (now Human Rights Watch/Helsinki), "Russian Residence and Travel Restriction," *A Human Rights Watch Short Report*, vol. 4, issue 14, August 1992.

The 1993 Law on the Right of Russian Federation Citizens to Freedom of Movement, Choice of Place of Stay and Residence within the Territory of the Russian Federation effectively replaced propiska with a system of registration for temporary stays and permanent residence, which was to have the purpose purely of notification. The federal government's Resolution 713 was intended to implement this law.

²⁷ Ruling of the Constitutional Court of the Russian Federation on Examining the Constitutionality of a Series of Normative acts [adopted by] the City of Moscow and Moscow Region, Stavropol Territory, Voronezh Region and the city of Voronezh Regulating the Procedures for Registering Citizens for Permanent Residence in These Regions. Ruling 9-P, April 4, 1996.

²⁸ Law of the City of Moscow on Fees to Compensate the City Budget Expenditures for the Development of Infrastructure and to Guarantee Social and Living Conditions of Citizens who Move to Moscow for Permanent Residence, adopted by the Moscow City Duma September 14, 1994.

²⁹ Law of Moscow Region on Fees to Compensate the Moscow Region's Budget Expenditures for the Development of Infrastructure and to Guarantee Social and Living Conditions of Citizens who Move to Moscow Region for Permanent Residence, adopted by the Moscow Region Duma on July 5, 1996.

by the court on June 2, 1997,³⁰ which ordered the Moscow Region government to cancel the fee. Notably, in the latter decision the court not only found the law unconstitutional on the grounds that the fee was excessive, but it rejected the premise of the law, that a fee could be collected to compensate the regional budget for infrastructure expenses.

³⁰ Ruling of the Constitutional Court of the Russian Federation on Examining the Constitutionality of the Law of Moscow Region on Fees to Compensate the Moscow Region's Budget Expenditures for the Development of Infrastructure and to Guarantee Social and Living Conditions of Citizens who Move to Moscow Region for Permanent Residence. Ruling 10-P, July 2, 1997.

The Moscow city government cancelled the fee in December 1996,³¹ but according to Civic Assistance, Russia's foremost refugee rights organization, registration authorities in the city of Moscow continue to attempt to extract enormous registration fees from those whose applications for permanent residence were otherwise in order. Moscow city courts routinely order the authorities to register the applicant.³²

Evaluation

Even with three improvements,³³ Moscow's implementation of federal rules places administrative and financial burdens on individuals wishing to register impairs their right to freedom of movement especially for short visits. In addition, the existence of separate rules for Russian citizens and citizens of CIS countries who may travel and reside in Russia without a visa discriminates against the latter.

As the rules now stand, as many barriers prevent one from securing registration for a permanent residence permit in Moscow today as existed under the Soviet-era *propiska* system, and they contravene the right to freedom of movement enshrined in Russian and international law. The Russian constitution unconditionally guarantees freedom of movement in article 23 (1), which states: "everyone who is lawfully within Russian Federation territory has the right to move about freely and to chose places for temporary stays and permanent residence." The International Covenant on Civil and Political Rights, to which Russia is a party, provides in article 12 (1): "Everyone lawfully in the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence." Article 12 (3) provides that these rights shall be subject to no restriction, "except those which are provided by law, are necessary to protect national security, public order (*ordre public*), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant."

³¹ It did so by amending Resolution 1030 on December 17, 1996, by a joint resolution of the governments of the City of Moscow and Moscow Region in Resolution No. 979-42.

³² Interview with Svetlana Gannushkina, Chair, Civic Assistance, June 21, 1997. See also, *Organizatsiya yuridicheskikh konsul'tatsii dlya bezhentshev i vynuzhdennykh pereselentsev v gorodakh i regionakh Rossii* ("Organizing Legal Services for Refugees and Forced Migrants in Russia's Cities and Regions (Moscow: The Memorial Human Rights Center, 1997), pp. 33-38.

³³ That is, the lowered registration fee for CIS citizens, the fact that CIS visitors no longer need to apply to extend their registration every forty-five days (both the result of the July 9 law), and the cancellation of prohibitive fees for permanent residence permits.

Human Rights Watch/Helsinki recognizes that governments may need to restrict population in urban areas as part of urban planning in the interests of public health and public order. But such restrictions must be provided by law and necessary, that is, narrowly tailored to place no greater burden on the right to freedom of movement than is required by the interest to be achieved. To the best of our knowledge the Moscow city and region governments have not fulfilled the obligation to meet these criteria.³⁴

In this context, the registration requirements place an undue burden on both freedom of movement and freedom to choose a residence in three ways. First, the six-month limitation on visits is arbitrary, i.e. not rationally related to interests like public health and the like. Second, for temporary stays in the housing sector (i.e., not in hotels or sanatoria and the like), the type of registration sought by about half of all visitors, the registration procedure itself is so time-consuming as to present an unreasonable burden. One must first stand in line at the local housing office, then do so at the police station, to await the approval of the head of the passport department. Since police stations do not accept cash payments and personal checks are not in use in Russia, one must then stand in line at a bank to pay the registration fee, then return to the station with the bank receipt and await the registration document. The housing commission and the police station's passport department often operate on limited schedules, which makes the process—which can take up to an entire day to complete—even more awkward.

Finally, the requirement of gaining the written consent of all adults who have a propiska for that dwelling is burdensome and allows private individuals a veto over an important right for reasons that may be entirely unrelated to public health and other legitimate government interests. No doubt this rule foresees such living arrangements—particular to Russia—as a divorced couple that is forced, due to the shortage of affordable housing, to continue to cohabit. Yet it does not foresee situations whereby one such adult household member is away, out of the country, or otherwise indisposed.

Furthermore, Moscow's current requirements are discriminatory. The Russian constitution (article 62) enshrines the equality of rights of foreigners legally within Russian territory with those of Russian citizens. In addition, the ICCPR provides:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

³⁴ The World Bank attributed the continued use of propiska-type residence permits in Moscow and St. Petersburg to the lengthening of waiting lists for subsidized municipal housing. See The World Bank, *Russia: Housing Reform and Privatization: Strategy and Transition Issues. Volume I: Main Report* (Washington D.C.: The World Bank, 1995). On page xix, the report links lengthening waiting lists for subsidized municipal housing to Moscow's resistance to abolishing the propiska. The report states: "These lengthening waiting lists were caused by the greater rate of job changes, more internal migration, and a much faster rate of household formation than of total population growth. Because of these lengthening waiting lists and rising prices for daily necessities which local governments subsidize, local authorities objected to abolishing the propiska which finally happened in 1993, except in Moscow and St. Petersburg."

The dual fee and sanctions regime³⁵ for Russian citizens and non-Russian citizens—albeit mitigated by the July 1997 law—blatantly violates this principle of non-discrimination.

The introduction to the July 9 law on registration apparently attempts to condition the enjoyment of such rights by referring to the Russian constitution's article 72, which places under the joint authority of the federal and regional governments a range of things, such as the protection of human rights and freedoms; use of natural resources; education; housing law; and other areas. It also refers to article 62 (3) which states "foreign citizens and stateless persons enjoy the same rights and bear the same obligations as citizens of the Russian Federation, except where established otherwise in Federal Law or International agreements . . ." Since Moscow laws are clearly not federal laws or international agreements, the dual fee regime is entirely unconstitutional.

In 1995, the U.N. Human Rights Committee, in reviewing Russia's fourth periodic report, recommended that the propiska system be abolished in all of Russia's regions. It commented:

Although federal law has provided for the abolition of the propiska system, the Committee is concerned that at regional and local levels, the residence permit system is still applied in practice, thus violating not only the [Russian] Constitution but also article 12 of the Covenant. . . The Committee recommends that the abolition of the propiska system be carried out all over the country without exceptions.³⁶

The World Bank has also criticized the propiska system, albeit not on human rights grounds.³⁷

Presumably one of the greatest barriers to widening the scope of individuals entitled to permanent residence permits is that the permit continues to be coterminous with ownership. Many Muscovites who obtained their Moscow propiska during the Soviet era now own their apartments; those who have not privatized their apartments, enjoy some of the same rights as ownership, save the right to sell the apartment or to leave it as an inheritance. In most cases their children automatically receive the right to reside in the apartment, and such families remain on waiting lists for improved municipal housing or additional, subsidized municipal housing, should the need arise. Human Rights Watch/Helsinki believes that in order to more fully guarantee the right to freedom of movement and choice of

³⁵ The fine schedule for CIS citizens is milder than that for Russian citizens, a twist that is no doubt the result of oversight.

³⁶ Human Rights Committee, Comments on Russian Federation, U.N. Doc. CCPR/C/79/Add.54 (1995).

³⁷ See The World Bank, *Russia Housing Reform and Privatization: Strategy and Transition Issues. Volume I: Main Report* (Washington D.C.: The World Bank, 1995). On page xix, the report states: "The propiska system as a means of population control was a blunt and crude administrative instrument with high economic and equity costs. As a better alternative, local governments are considering targeting housing programs and selective social safety net measures." On page 29, in correlating a flexible housing system with labor market efficiency, the report finds that "[r]esidence permits (propiska), and lack of housing prevent workers from increasing their contribution to society by moving from jobs with a lower productivity to jobs with a higher productivity."

residence, the notion of permanent residence for those who are newcomers to Moscow must be decoupled from the notion of ownership and rightful (within Russian civil law) claims to free or subsidized municipal housing.

THE IMPACT OF REGISTRATION ON REFUGEES AND INTERNALLY DISPLACED PERSONS

Introduction

The restrictions on visiting and residence described above, while burdensome to all Russians and citizens of CIS countries, are especially onerous for people who are fleeing war or persecution and seeking haven in Moscow. They additionally violate the rights of refugees to seek asylum and violate asylum seeker's rights to protection. Asylum seekers typically enter Russia at Moscow (if coming by air) because it is the only destination they know, and typically remain there because it is the only city in Russia where they can expect to enjoy the support and protection of such international agencies as the UNHCR.³⁸ The Refugee Reception Center, operated under the auspices of the UNHCR, screens asylum seekers and issues refugee identification cards to those it determines are refugees under the 1951 Convention Relating to the Status of Refugees (Refugee Convention) (article 1). The UNHCR provides protection services to asylum seekers it recognizes as refugees and financial and other support, which it channels through other international organizations and NGOs.

A party to the Refugee Convention and Protocol, Russia recognizes the mandate of the UNHCR to offer protection to refugees³⁹ and is duty-bound to cooperate with that office.⁴⁰ This obligation means that once the UNHCR has recognized an individual as a refugee, federal and local authorities are obligated not to deport that person back to the place from whence he or she fled. Such a deportation is known as *refoulement*, and the prohibition of this practice is the cardinal rule of refugee law.

Moscow Refugee Regulations: A Rule Apart from International Standards

³⁸ The Russian government has a host country agreement with the UNHCR which permits the latter to provide services and protection to refugees.

³⁹ Statute of the Office of the UNHCR, article 8.

⁴⁰ Protocol I (article 2) to Refugee Convention obliges parties to cooperate with the Office of the UNHCR in the latter's supervising of the application of the protocol.

Russia does not have a centralized bureaucracy for processing asylum claims. The Federal Migration Service (FMS) is the agency tasked with evaluating such claims through its regional divisions. The FMS itself is a highly federated institution that mostly directs migration policy and oversees the work of its ninety regional migration service divisions. Here again, Moscow is a rule apart: the Moscow Migration Service, an anomaly in this system, is answerable not to the FMS but to the Moscow city government, of which is part and from which its staff draw their salaries.⁴¹ The asylum process itself in Russia generally is grossly deficient in its procedures to identify and protect genuine refugees from refoulement, a topic that is beyond the scope of this report.⁴²

The Moscow Migration Service (MMS), in turn, applies its own rules to asylum seekers, in general refusing to process applications from individuals who have no close relatives in Moscow or who do not have a permanent residence permit for Moscow.⁴³ (As an exception, it accepts applications from asylum seekers from outside the CIS and Baltic states whom the UNHCR recognizes as refugees.) This violates the Refugee Convention (article 1), which classifies as a refugee any individual who flees his or her country “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a social group or political opinion . . .”

The right of asylum is a fundamental human right, and individuals attempting to exercise such a right should not face insuperable bureaucratic obstacles. In particular, an asylum seeker must have the right to stay in the place where his or her claim is being considered for the duration of the process, including, if necessary, appeal of an adverse decision. The refusal of various Moscow authorities to make this possible places a heavy burden on the right to seek asylum, and violates both the Universal Declaration on Human Rights and the spirit of the Refugee Convention.⁴⁴

⁴¹ The Moscow Migration Service is under the Moscow City Government Committee on Labor and Employment.

⁴² In April 1997, Amnesty International concluded that protection of asylum seekers in Russia was so poor that other states should not consider Russia a “safe third country” to which asylum seekers could be returned. See Amnesty International, “Russian Federation: Failure to Protect Asylum Seekers” (EUR 46/03/97) London, April 1997.

⁴³ Under Resolution No. 121-RM on the Procedure for Granting the Status of Refugee and Internally Displaced Person in the City of Moscow, March 14, 1996. For details on this resolution, see below.

⁴⁴The Executive Committee of the UNHCR in 1977 urged governments to include as part of the basic procedural requirements for the status determination process the following:

Applicants should be permitted to remain in the country pending decisions on the initial request by the competent authority referred to in paragraph (3) above, unless it has been established by that authority that the request is clearly abusive. They should also be permitted to remain in the country while an appeal to a higher administrative authority or to

Russia has chosen not to centralize its asylum procedures, and as a consequence, it is unreasonable for it to place on asylum seekers the burden of searching for a bureau that will process their application, all the while facing deportation by local authorities who refuse to recognize the individual's protected status. Yet the Moscow regulations do just that, especially in the case of refugees from CIS countries. Russia is free to provide services and information that would encourage asylum seekers to submit their claims to offices outside of Moscow, but it is similarly obliged to assist asylum seekers involved in a status determination procedure to remain in Moscow until the end of the asylum process.

Finally, once asylum seekers have been determined to have the legal right to remain in Russia, they should have the same rights as any other person lawfully in the state's territory to choose their residence. This right may not be abridged except by reason of one of the interests enumerated in the ICCPR, discussed above.

For Asylum Seekers from outside the former Soviet Union

the courts is pending. Executive Committee Conclusion No. 8, paragraph 7 (1977). This would preclude, for example, the police taking unilateral action to deport asylum seekers before the relevant migration office has issued a decision and the asylum seeker has had a chance to appeal any adverse decision. In a country the size of Russia, this injunction should bar municipal authorities from expelling asylum seekers who await a decision as well.

As of February 1997 the UNHCR in Russia registered as refugees 27,694 asylum seekers, the vast majority of them from Afghanistan, Somalia and Iraq. Many of these refugees have applied to the MMS for refugee status in Russia and received from the MMS a card certifying that their asylum case was awaiting determination (hereinafter, certification card). Under Russian law, asylum seekers—regardless of whether they have been recognized by the UNHCR—must register with the central Directorate for Visas and Registration (UVIR),⁴⁵ apparently on the same terms as other legal aliens. The new Russian law on refugees⁴⁶ provides for the registration, but in the present as in the past, the terms, procedures and documentation required for registration are not clear. As a result of this vacuum, Moscow police and registration authorities utterly ignored and continue to ignore the meaning of UNHCR refugee status and MMS certification cards and demand that so-documented asylum seekers register with the police on the same terms as any other foreigner from a country that does not enjoy a visa-free travel regime with Russia. With some exceptions, UVIR, which is authorized to register foreigners, refuses to register them. Asylum seekers are therefore fined, harassed and sometimes threatened them with deportation and refoulement (See below, “Enforcement”) because they lack police registration—which UVIR refuses to provide.

Under the new refugee law, MMS certification cards are to serve as “the basis for registration with . . . the [local] internal affairs department (article 4.7).” Four problems continue to plague the registration of asylum seekers. First, it is unclear whether this article applies retroactively to asylum seekers who registered asylum claims with the MMS prior to the law’s adoption. Second, the law is silent on whether such registration with the police would serve as adequate documentation for police in regions other than where the asylum seeker registered. Third, the law does not stipulate that the certification cards are the *only* document required for registration with the police.⁴⁷ Finally, certification cards are now valid for the period of status determination, which is supposed to take three months, with one three-month extension. But the law remains silent on the status of certification cards and the registration process should the procedure drag out longer than the prescribed time, leaving their validity uncertain after this period and causing problems for many, as cases are rarely if ever determined within six months.

Human Rights Watch/Helsinki has sound reason to believe the Moscow Main Directorate for Internal Affairs (GUVD) will soon issue implementing instructions that will on all four points continue to restrict the freedom of movement rights of asylum seekers. Especially of concern is the potential requirement that they present the same documentation as other legal aliens in order to register with the police. As the sections below demonstrate, this system

⁴⁵ Upravleniye Viz i Registratsii, which is under the GUVD.

⁴⁶ Law on Introducing Amendments and Additions to the Russian Federation Law on Refugees, entered into force July 3, 1997. Despite its title, it replaces the 1993 Law on Refugees. *Rossiskaya Gazeta*, July 3, p. 4.

⁴⁷ This applies to those asylum seekers who, while they await status determination, choose to live not in refugee camps but in private homes. To its credit, the Russian refugee law (article 6) affords asylum seekers this choice.

is so fraught with barriers—primary among them, landlords who for various reasons⁴⁸ do not want to inform the police that a foreigner lives in their dwellings—and its active enforcement is so overwhelmingly arbitrary and racist that it effectively treats such asylum seekers as illegal aliens. These actions consequently interfere with the right, upheld in the Universal Declaration of Human Rights, to seek and enjoy asylum. We maintain that UVIR must accept UNHCR identification as adequate and exhaustive grounds for registration. Moreover, under the Refugee Convention all Russian authorities are obligated to issue identity papers to any refugee in their territory who does not possess a valid travel document (article 27).⁴⁹

Asylum Seekers from the CIS and Baltic States and the Internally Displaced from Russia

⁴⁸ Especially to evade taxes on lease or sublease incomes.

⁴⁹ This obligation received reinforcement in UNHCR Executive Committee Recommendation No. 35 (1984) on Identity Documents for Refugees, which provides, among other things, that countries that cannot make determinations on asylum applications in a timely fashion should provide provisional documentation. *Report of the 35th Session*: UN doc. A/AC.96651, para. 87(3).

The overwhelming majority of refugees from the CIS in Russia are from Azerbaijan, Georgia, and Tajikistan.⁵⁰ In 1996, the majority of newly registered asylum seekers in Moscow were Russian citizens fleeing the war in Chechnya and applying for status as internally displaced persons (IDPs).⁵¹ In March 1996, the Moscow city government issued Resolution 121-RM, limiting refugee or IDP status to those applicants who had a relative willing to house them for longer than one year and those who were already registered as a permanent resident of Moscow.⁵² As an exception, the Moscow Migration Service accepts applications from asylum seekers from outside the former Soviet Union—albeit sporadically and often with great resistance. However, it adamantly refuses to accept applications from asylum seekers from the CIS and Baltic states, other than within the terms set out in Resolution 121-RM.⁵³ Notably, neither the Law on Refugees nor the Law on Internally Displaced Persons allows for constituent parts of the Russian Federation to exclude refugees and IDPs. Moreover, the minimum space requirements for registering close relatives for permanent residence, in combination with the Resolution 121-RM, directly contravene the Russian Law on Internally Displaced Persons forced migrants, which in article 6 grants them the right to “live with relatives or other persons, subject to their consent to live together, regardless of housing space possessed by relatives or other persons.”

Some refugees who fled to Moscow before the break-up of the Soviet Union (and before the formation of the FMS) have been able to remain in the city while the MMS (which, after it was formed, issued them certification cards) and FMS attempt to resettle them elsewhere. Most of these refugees are ethnic Armenians and Russians who fled anti-Armenian pogroms in Azerbaijan in 1988 and 1990; in many cases the USSR Ministry of Internal Affairs evacuated them to Moscow, and the Moscow city government settled them temporarily in hotels and sanatoria.⁵⁴ In 1992, the Moscow city government began a concerted effort to resettle the refugees elsewhere in Russia, often to regions thousands of kilometers from the capital. The privatization of hotels led to an acceleration of this effort, as hotel directors came under intense pressure to clear out the refugees in preparation for sale. The hotel directors harass their refugee tenants, in attempts to force them out, by cutting heat and electricity or forcing the refugees to pay commercial

⁵⁰ These are individuals who applied for and received the status of refugee or internally displaced person from the Moscow Migration Service. See Andrei Kamenskii, *Chuzhiye v gorode*. No figures or geographical breakdowns are available for the number of refugees or internally displaced persons in Moscow who, due to Moscow's restrictive rules, cannot apply for status.

⁵¹ Under the Law of the Russian Federation on Internally Displaced Persons, adopted December 20, 1995, IDPs receive the same benefits as refugees. IDPs are not only Russian citizens forced to flee their homes within the Russian Federation out of fear of persecution, but also Russian citizens similarly forced to leave their homes in another country and seek haven in Russia.

⁵² Resolution No. 121-RM on the Procedure for Granting the Status of Refugee and Internally Displaced Person in the City of Moscow, March 14, 1996.

⁵³ See above, Introduction, for the MMS reasoning motivating this policy.

⁵⁴ About 1,900 such refugees remain in hotels and sanatoria.

rates for utilities. Moreover, they frequently resist issuing the certificate necessary for refugees to register with the police. The MMS, eager to settle the refugees outside of Moscow and Moscow region, consistently fails to protect them against this harassment.

Resettlement of these refugees has been extremely problematic. Some refugees claim that the housing offered in Russia's regions is unsuitable for various reasons, is occupied by other families, or may not even exist. Beginning in 1994, the FMS became exasperated with these refugees whom it felt had rejected reasonable offers of alternative accommodation.⁵⁵ Resettlements of any kind have dwindled: the hotels and migration service-operated sanatoria have made increasing efforts to evict the refugees from their hotels or sanatoria (where many have been living since 1988 or 1990) without providing any housing whatsoever. In many court appeals, judges uphold the evictions, but order the FMS to assign alternative housing. In at least several cases, however, refugees were evicted without alternative housing (which also means losing one's basis for registration in Moscow and losing all social benefits); two of these cases involved elderly women.⁵⁶

Because Russia's migration service is so decentralized, there is no centralized body under the Federal Migration Service that receives asylum applications from refugees and IDPs and could forward them to another region's migration service for determination (the case of 1988 and 1990 refugees from Azerbaijan was an exception). In addition, there is a dearth of complete information about immigration policies and migration opportunities—including objective information on housing, jobs, the general economic situation and the availability of refugee services—in Russia's other regions. Hence, before they reach Moscow, refugees and IDPs are likely to make their decision to go there on the basis of, at best, incomplete information. Once in Moscow, they have neither the needed information nor the opportunity to file asylum claims elsewhere, but are mostly unable to gain refugee or IDP status there because such recognition is tied to residency requirements that they will be unable to meet. They consequently become locked into a vicious Catch-22 in Moscow, where they have no status, no protection, and are, due to their often distinctive looks, constantly targeted by the police for violations of registration rules (see below). International and federal norms for asylum effectively become a dead letter under Moscow rules.

ENFORCEMENT OF THE REGISTRATION REGIME

Background

Moscow police enforce the system for the registration of all residents and visitors vigorously and in a manner characteristic of a state of emergency. According to a report provided by the Moscow City Passport Directorate, during the first five months of 1997 law enforcement officers conducted 1,400,536 passport checks to determine compliance with registration requirements. During the same period police found 737,561 people in violation of Resolution 637-RM. Roughly half, 413,958, were from the CIS. They acknowledged collecting fines of more than 3.5 billion rubles, or \$608,000. In 1996 the UVIR deported beyond the Russian Federation 3,080 individuals "illegally on the territory of the

⁵⁵ Due to severe lack of funding the Federal Migration Service has a very limited housing fund for refugee resettlement.

⁵⁶ See "Hotel Horror Highlights Refugee Plight," *The Forced Migration Monitor*, Number 14, November 1996, and "Hotel Horror Story Assumes Kafkaesque Character," *ibid*, Number 15, January 1997. See also, Anna Politkovskaya, "Ten' Rasizma v Rossii" (The Shadow of Racism in Russia), *Obshchaya gazeta* (The Public Newspaper) (Moscow), April 2, 1997.

city of Moscow” —although it is unclear if such individuals were legally on the territory of the Russian Federation⁵⁷— 1.7 times more than in 1995.

⁵⁷ Figures courtesy of Vladimir Vershkov, Head of the GUV D Department of Public Information and Public Relations.

At least six separate city law enforcement branches carry out passport checks, including neighborhood inspectors, officers of the Automobile Inspectorate (GAI),⁵⁸ Criminal Investigation units, and the Municipal Police. They do so by entering private homes (often with threat of force), by flagging down and searching automobiles, and by stopping people on the streets, in the subways and on other public transportation. Special operations under such names as Operation Regime, Operation Law and Order, and Operation Signal lead the city's fight against, "violators of the registration regime. . . with the goal of stabilizing circumstances in the city and preventing crime by out-of-towners and the homeless."⁵⁹

Police enforce the registration regime on the basis of four sets of regulations additional to those outlined above. Significant among them is Presidential Decree 1025, adopted in July 1997 to fight crime in Moscow and Moscow Region.⁶⁰ The decree enables the city and regional governments to prolong the involuntary detention of "vagrants and beggars" in "social rehabilitation centers" for up to thirty days, and empowers the police forcibly to "remove" the homeless from Moscow. Under an August 27, 1996 mayoral decree implementing Decree 1025, Moscow police renewed the practice, established in 1993, of detaining the homeless and shipping them out of Moscow on trains.⁶¹ In the first five months of 1997, police "deported" 16,456 homeless people from the city; in 5,740 of these cases it had a warrant from a procurator to do so.⁶² About 2,200 of the "deported" homeless were sent to unspecified "treatment centers." According to some reports, Luzhkov plans to initiate legislation in the Russian parliament that would criminalize habitual vagrancy.⁶³

"Clean-ups" of Moscow

This vigorous enforcement of registration rules peaks at times of public holidays and crisis. This dates to the Soviet period, when, for example, in preparation for the 1980 Olympic Games in Moscow, the government sent thousands of people out of town. In the most notorious and recent example of what officials call "street cleaning" in Moscow, in October and November 1993 (during the state of emergency brought on by the armed struggle between the Kremlin and the parliament), city authorities detained some 14,000 individuals and deported about 9,000 others—most of them dark-skinned people who allegedly had failed to register with the police—citing the need to fight criminality.

⁵⁸ Gosudarstvennaya Avtomobilnaya Inspektsii.

⁵⁹ Point 7 of the Sharagorov letter reads, in translation: "In the aim of stabilizing circumstances in the city, of preventing crime by non-Muscovites and by the homeless, of finding and detaining persons prone to crime, of searching for criminals hiding from the law, and of strengthening of the fight against violators of the registration regime, against hooliganism, [public] drunkenness, against vagrancy, and against begging and other of anti-social manifestations, public security police services regularly carry out city-and region-wide prevention operations, such as 'Operation Regime,' 'Operation Law and Order,' 'Operation Arsenal,' 'Operation Signal,' and the like. In the course of 'Operation Regime' alone, 82,810 persons were detained for administrative violations."

⁶⁰ Decree of the President of the Russian Federation no. 1025 on Immediate Measures to Strengthen Law and Order and Crime fighting in Moscow and Moscow Region.

⁶¹ When they are picked up by the police for lack of an internal passport, the homeless in Russia are sent to special filtration holding centers (*spetspriyemnik-raspredelitel'*) for up to one month's involuntary detention while their identity is established. Once their identity and home city is established, they are, in theory, sent back to the region where they are registered (or where they have a propiska), and which bears responsibility for providing social entitlements and in which they are entitled to social benefits/or social services. Many return to Moscow on the next train. This is a widespread practice in Russia, not only Moscow. See, for example, Sergei Smirnov, "Nevchtennye dushi" (Uncounted Souls), *Novoye Vremya* (The New Times), Moscow, no. 10, 1997, p. 32-33.

⁶² Sharagorov letter.

⁶³ See Alexandra Akayeva, "Moscow Mayor Encourages Police Informers, up in Arms Against Tramps and Streetwalkers," RIA Novosti service, July 25, 1997.

After a rash of bombings in the capital last summer, and the issuing of the decrees on the homeless noted above, police reportedly “deported” from Moscow (but not necessarily from Russia) 4,800 individuals.

The “clean-up” of Moscow for the 850th anniversary falls well within this pattern. In addition to cracking down on “illegal” refugees and migrants, the city’s “cleansing” effort also attempted to remove prostitutes and the homeless.⁶⁴ It is interesting to note that since prostitution is not a crime in Russia, when police detain prostitutes they do so on grounds among others, of violations of registration rules.

Police apparently increased their active sweeps of the homeless at the same time. Avgust Kol’tsov, Deputy Director of the Yaroslavl’ Home for Social Rehabilitation, noted an “invasion” of homeless people into the city that began in May, which he attributed to the impending 850th celebrations. According to Kol’tsov, when Moscow police detained this “contingent” and asked where they were from, they answered, perhaps untruthfully, that they were from Yaroslavl (or other cities close to Moscow), as “they planned to return to the capital after the festivities ended.”⁶⁵ The homeless were put on trains to their supposed places of origin.

⁶⁴ In early June, the Prefect of Police of Moscow’s Central District gathered 400 prostitutes combed from Moscow’s central Tverskaya Street for a meeting at which he warned them to cease working on that street invoking, among other things, the upcoming 850th anniversary celebrations. See Elizaveta Domnysheva, “Prefekt Obyavil Prostitutkam ul’timatum,” *Izvestiya* (News) (Moscow), June 11, 1997, p. 8; and Denis Bratskii, “Stolichniye vlasti boryutsya s prostitutsiyey siloy ubezhdeniya,” (The Capital’s Authorities Fight Prostitution through the Power of Persuasion), *Segodnya* (Today) (Moscow), June 11, 1997, p. 1.

⁶⁵ “Moskva otpravlyayet bomzhey v Yaroslavl,” (Moscow Sends the Homeless to Yaroslavl), *Izvestia* July 16, 1997, p. 2, citing Mikhail Ovsharov, *Posledniye Izvestiya* (The Latest News), Yaroslavl.

HUMAN RIGHTS VIOLATIONS AND ENFORCEMENT PRACTICES

Scores of Human Rights Watch/Helsinki interviews with refugees and IDPs, along with credible reports from Civic Assistance, the Memorial Human Rights Center and international organizations suggest that police perpetration of human rights violations in the enforcement of registration requirements are systematic enough to warrant the overhaul of the system. While registration rules do not, on their face, discriminate by race or ethnic origin, Moscow police continue to enforce registration rules on Moscow's streets in a clearly discriminatory manner, singling out people with dark skin and hair who appear to be from developing countries, the Caucasus, the Northern Caucasus or Central Asia for document checks.⁶⁶ Interviewees told Human Rights Watch/Helsinki they were stopped anywhere from several times per week to several times per day, and of spending time in a police station at least once per week or per month. Police beatings are common, especially if the detainee disputes the validity or fairness of his detention with a police officer or attempts to conceal money. Moreover, police are afforded overly broad discretion in setting fines and collect fines in an highly arbitrary manner: they frequently do not issue receipts for fines collected, which suggests that the funds go to police pockets rather than to city coffers, and indeed the system of fines in many cases has generated a practice of extortion. Police routinely destroy refugees' documents, including UNHCR cards and MMS registration cards, and sometimes destroy visitors' registration papers.

The absurdities of the registration system allow for situations in which visitors registered in Moscow Region, for example, in a town fifty kilometers from Moscow, drive to the city, stay for a day and are fined for being in the city of Moscow without registration since they cannot prove when they arrived. Since many police officers collect the "fines" and do not issue receipts, an alleged "violation" cannot prove to the next police officer, who may stop him or her that very day, that he or she had already paid a fine.

The pattern of police enforcement has changed little since Human Rights Watch/Helsinki's 1995 report. Typically, police stop young men with dark skin (although they increasingly also stop women) and ask them for their documents to prove they are in Moscow legally. If the person has no such documents, he is either asked to pay a fine on the spot or taken to the police station, where he may remain behind bars (in the so-called monkey cage) from one hour to overnight, until the duty officer calls him and asks him to pay a fine or sign a police report. Police also conduct body searches to seek money for "fines." When detainees have no money for fines, it is not uncommon for police to ask them to perform chores at the station, such as mopping the floor or collecting the garbage.

Victims have developed "survival behaviors" to avoid police harassment: they avoid public transportation or going out of the house altogether; if travel around the city is necessary, they take a small child as an "insurance policy." They also avoid carrying money with them.

Some interviewees noted that occasionally police officers treated them with respect, acknowledged their UNHCR or other identification cards, or genuinely sympathized with their plight. While these policemen certainly deserve credit, they are clearly the exception to the rule of cruelty and abuse reported to Human Rights Watch/Helsinki in interviews with scores of victims.

Fining of People Awaiting Status Determination

⁶⁶ At Moscow's flea-markets police enforce registration rules on a more democratic basis, routinely stopping people with Slavic and non-Slavic features. See Alexander Petrov "Beregi karman, militsiya idet!" (Watch your pockets, here come the police!), *Moskovskiy Novosti*, No.29, July 20-27, 1997, p. 4.

Nearly every asylum seeker interviewed by Human Rights Watch/Helsinki who had been recognized by the UNHCR as a refugee and who had filed an asylum claim with the Moscow Migration Service (MMS) claimed that police routinely refuse to recognize the validity of their certification cards from the two institutions, and indeed that the police appeared to have no knowledge of these institutions. Police, they said, commonly described these documents as "toilet paper," and "not a real document"; several reported that police claimed that the MMS was a private company that provided false identification papers.⁶⁷

Most African male interviewees reported that they had been stopped by police on the streets, at markets, or on or near public transportation and taken to the police department so many times since their arrival in Moscow that they could not begin to estimate how many such incidents had taken place. Afghan interviewees, male and female, reported that it was common to be stopped on the street at least once per day.⁶⁸ "Abu," a Somali refugee from Mogadishu claimed, for example, that he was stopped about five times per week and spent time in a police station about twice per week.⁶⁹

Citing five years of harassment, endless "fines" and beatings at the hands of Moscow city police, Akhmed Muhammed Ali, a refugee from Somalia, decided voluntarily to repatriate to Somalia in May 1997. The father of seven children, Mr. Ali reported that he had been detained an "uncountable" number of times, with most incidents resulting in a "fine." His unforgettable experience in January 1995 is worth recounting here.

According to his account, police detained him and two other Somalis near metro Belyayevo, in southern Moscow, around 11:00 a.m. and drove them for about an hour to the outskirts of the city. After arriving at a wooded area, the police searched their pockets, shoes and socks for money, found 70,000 rubles and abandoned them. Upon finding the money one of the policeman reportedly said, "Stupid blacks. Let's leave them here." He and his friend reportedly had to walk three hours back to Moscow.

When Mr. Ali arrived at a familiar neighborhood, a policeman stopped him and another Somali outside a shop:

I went to the store to buy bread. I had borrowed 20,000 rubles [from someone] I ran into by coincidence. There was a policeman outside the shop and he said, "Let's go." He took me to the station, and put me in a room for about ten minutes. When the duty officer called me he said "Put everything in your pockets on the table. He asked me to pay a fine. I said I had only 17,000 rubles and a loaf of bread. I told them what had just happened. They took the money. They checked all our pockets, they searched us and found nothing.

⁶⁷ According to "Report on the Work of the Internal Affairs Organs on Fulfilling Resolution 637-RM, as of May 30, 1997," provided by the Passport Directorate of the GUV D.

⁶⁸ Human Rights Watch/Helsinki interview, Moscow, May 15, 1997. Unless otherwise indicated, all interviews were conducted in Moscow by Human Rights Watch/Helsinki with the individual described in the text.

⁶⁹ Not his real name. Interview, June 16, 1997.

Somali refugee Abu completed medical school in Moscow in 1995 and applied for asylum. After the police beat him up in a passport check 1995, reportedly in response to his comment, "have you no conscience?" Abu never questioned police actions. He recalled the most recent brush with the police:

It was June 11 [1997]. I was at the Yuzozapadnaya bus stop [in southwestern Moscow]. There were about forty people standing there. It was 5:00 p.m. Three policemen walked through the crowd and walked right up to me. [I showed them my MMS card]. They said, "That's not a document. You have no registration." They took my passport and sent me home to get 50,000.

Attempts to register

As stated above, Human Rights Watch/Helsinki believes that asylum seekers who are UNHCR-recognized refugees should be relieved of the need to register with the police under the conditions that currently prevail. The police registration process for asylum seekers is daunting and complex, and many refugees are poorly informed of their obligations, do not know how to register, or simply fear the entire ordeal because of abusive officials. Most of their landlords do not wish to register refugees because they fear paying taxes on rent income, or because they fear the consequences of housing a foreigner, especially a foreigner with dark skin. Even should these obstacles be overcome, police and other registration officials may refuse to register them on strictly arbitrary grounds.

A Somali refugee who had come to Russia in 1993, for example, had UNHCR and MMS cards; he claimed that he had considered registering but changed his mind after learning of the experience of another Somali refugee. This acquaintance attempted to register in summer 1996 at the central UVIR (Directorate for Visas and Registration), and was told there he would be registered only if he presented a return ticket and promised to return to Somalia. "UVIR doesn't recognize refugees," he told Human Rights Watch/Helsinki.⁷⁰

M.H., a thirty-six-year old Afghan refugee recognized by UNHCR, attempted to register in the Southern Administrative District of Moscow, but was told to go to the central UVIR, where he was told that he "didn't have the right" to register.⁷¹

"Aziz," a former general in the Afghan army, tried repeatedly to register in the Krasnogvardeyskii district. At the local housing committee he was asked on what legal basis he was residing in Moscow and in what apartment he lived. His landlady later informed him that if he insisted on registering he should find another apartment. The local housing committee had "harassed" her (he did not know the details), and she did not wish to pay taxes on income earned from the sublease. Frustrated by the incident and daunted by the prospect of finding another apartment, Aziz "dropped the whole thing."⁷²

In July 1997 the central UVIR categorically and repeatedly refused to register Badin Galalia, a Kurdish refugee from Iraq. In July, after he was released from pre-deportation custody (see below) and attempted to register, UVIR staffers reportedly claimed that the UNHCR refugee identification card was illegal, ignored his MMS certification, and threatened to arrest and deport him. Upon learning that the procurator's office had no intent to deport, UVIR staff allegedly threatened to have him put on a criminal wanted list.⁷³

Invasions of Privacy—Enforcement in Private Homes

⁷⁰ Interview, June 16, 1997.

⁷¹ Interview, June 6, 1997.

⁷² Aziz is a pseudonym. Interview, June 6, 1997.

⁷³ Interview, Badin Galalia and Elena Vatakh, July 11, 1997.

In the first five months of 1997, Moscow police reportedly conducted 1.3 million checks in private apartments for compliance with registration of legal aliens from the CIS. During that period 112,588 individuals from the CIS had registered for temporary visits in private apartments. Hence, for every registered person in the housing sector police carried out nearly 119 apartment checks. Neighborhood inspectors, typically the agents to enter private apartments, discovered 63.4 percent of registration system violators.⁷⁴

⁷⁴Statistics provided by V.S. Sorokin, Departmental Head, Moscow GUVD , courtesy of Vladimir Vershkov, Head of the Department of Public Information and Public Relations of the Moscow GUVD.

The Moscow Main Directorate for Internal Affairs (GUVD) maintains that police, including neighborhood inspectors, have the right to enter apartments without a warrant under the 1991 Law on the Militia and a Ministry of Internal Affairs order.⁷⁵ Article 10 of the Law on the Militia grants police the right to unhindered entry into citizens' homes in order to pursue a suspect in a crime, in cases of accidents, and to "protect the safety of citizens and public security in times of natural disaster, catastrophe, and . . . massive disturbances." Police must notify a prosecutor after each such entry. Checking compliance with registration regulations cannot be considered among these categories. The Ministry of Internal Affairs decree allows police to enter businesses and hotels on plausible grounds that a crime or administrative violation has occurred; it does not empower the police to enter private homes.

Human Rights Watch/Helsinki considers such apartment checks—in which police enter by force or with credible threats of force—an intolerable violation of the right to privacy guaranteed in article 25 of the Russian constitution and article 17 of the ICCPR.⁷⁶

In some cases neighborhood inspectors, for a variety of reasons, including compassion, tolerate unregistered refugees in their neighborhoods. However, refugees reported to Human Rights Watch/Helsinki that with increasing frequency police go to the homes in which refugees are known to live, asking to see documents and demanding temporary registration permits. Such visits force refugees to seek new apartments elsewhere for several reasons: because the police threaten to arrest them if they do not move; because they cannot afford to pay the bribes—typically of 50,000 - 100,000 rubles (\$9 to \$18)—that patrol officers extort from them; or because of general fear of the police. In many cases, neighborhood inspectors or patrol police, after repeated visits and threats, make an arrangement for a refugees to pay a monthly "tax" to them. It is not uncommon for asylum seekers from outside the former Soviet Union to change residences twice or three times per year.

"Rakiya," is a twenty-one-year old Somali refugee and mother of three.⁷⁷ She has been awaiting a decision on her refugee application since 1995 and speaks fair Russian. While for months her neighborhood inspector accepted her Somali passport, UNHCR, and MMS papers as adequate identification and did not request to see proof of registration, around March 1997 a new neighborhood inspector took over her neighborhood, and her problems began. That month he knocked on the door and the residents, upon seeing through the peephole an unfamiliar police officer, did not answer; the police then began to kick the door. When the police left and saw several of the resident Somalis huddled in the kitchen window (the apartment is on the first floor) they reportedly shouted, "Chorniye [Blacks!] You're going back to Somalia!"

On April 1, a patrol police officer came to her home to check her documents. During his visit he attempted to grab her breast, and in the ensuing scuffle, hit her three-and-a-half-year-old son and accidentally stepped on his toe. Rakiya reported that the officer was at first "normal, not rude." Upon showing the officer her MMS certification card and her passport, the officer reportedly asked her where her husband was:

⁷⁵ Order of the Ministry of Internal Affairs No. 231 of July 14, 1992.

⁷⁶ Article 17 (1) states: "No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation."

⁷⁷ Interview, Moscow, May 13, 1997. Not the woman's true name. "Rakiya" requested that Human Rights Watch/Helsinki conceal all details that would reveal not only her identity but also the general location of her apartment.

I told him my husband was not home and he grabbed me on my breast. He said, "you are beautiful and you need a man." He said it politely . . . I said, "Why are you touching me like that?" He said, "I love African girls [devushki]." I said, "I'm not a girl I'm a woman."
I shouted something at him in Somali and my son came out of his room and ran in front of me. He kicked my son and my son fell down . . . on his belly. He stepped on my son's toe . . . it was cracked and bleeding.

A scuffle then ensued, in which she hit the policeman in the face with her shoe, and the policeman responded by throwing her into a corner. Later that evening the officer returned with another policeman, presumably to arrest Rakiya, but her arrest was averted through the pleading of other residents of the apartment.

According to O., Rakiya's friend who helps her care for her children, but who does not speak Russian, three policemen returned four days later, when Rakiya was out, and searched the apartment for money. She told Human Rights Watch/Helsinki:

It was around 10:00 a.m. The police [pulled up] in a jeep [the apartment is located on the first floor]. One of [the Somalis] opened the door and the police said, "Bring out the three kids and the two women." Three policemen and two Somali men sat and talked in one room, I kept the children in another room. Then they searched the room; They found 25,000 rubles in one of the suitcases and took it, but left [the Moscow Migration Service identification cards]. One of the Somali men [who speaks Russian] told me this.⁷⁸

Constant police harassment forced Teresa, a Liberian asylum seeker with two children, to move twice in the eighteen months after her arrival in Moscow in January 1996. She recalled that during the winter of 1996-1997, when she was eight months pregnant, police came to her home in a hostel in northeastern Moscow. She produced her UNHCR card; she lacked an MMS card and registration with UVIR and had no money to pay a fine. Police brought her and her thirteen-year-old son to the station:

They put [us] in a prison cell and [we] stayed there for four hours. Then the big boss came and asked what we were doing. My son spoke a bit of Russian, and explained [the situation] to him. Then he left us. Then we paid 30,000 rubles. They kept my UNHCR card.

They came again after that, but I didn't want to go in the cell. They left us for three hours. They refused to let me sit down, but [I was pregnant]! They made us sit on the floor. I was so angry I refused to pay the fine. They didn't say where we should go to get the registration.⁷⁹

In cases where neighborhood inspectors or patrol officers pay visits to the homes of refugees, they often appear determined more to extract a regular, monthly bribe than to compel refugees to comply with registration procedures. "Suleiman," a twenty-nine-year-old Somali refugee from Agissa, told Human Rights Watch/Helsinki that in May 1997

⁷⁸ Interview with O., May 13, 1997.

⁷⁹ Interview, June 6, 1997.

the neighborhood inspector began a series of visits to the apartment in which he rented a room with two friends.⁸⁰ In the first incident, according to Suleiman, he came around 9:00 p.m. and detained the landlady (who also lived in the apartment) and Suleiman's two roommates (he was not home at the time) and took them to the local station. He reportedly told them they had no propiska, were illegal, and would have to buy him vodka. The second time, he detained Suleiman and the others and told them they had ten days to leave the apartment. Suleiman told Human Rights Watch/Helsinki:

⁸⁰ Interview with "Suleiman," a pseudonym, June 16, 1997. He did not wish to disclose any information about the location of the apartment.

"[The inspector said] 'I don't want you here. If I see you again I'll beat you up.' He didn't touch us, though. We spent three hours there. He wanted 300,000. We said we had no money, and he saw that we didn't have anything."⁸¹

During the third visit, on June 1, the inspector reportedly again threatened the Somali refugees and eventually exacted a bribe:

He told the landlady "you should rent to friends, to Azeris, other people. But not to foreigners. [Again] he said he wanted us to get out. We told him we had nowhere to go. One of us said, "let's talk," and they went into a room. Now every month we're going to give him 50,000 and he's going to leave us alone. He wanted more."⁸²

In southern Moscow the neighborhood in and around Biryulova Street appears to be home to a large number of Somali refugees; Human Rights Watch/Helsinki received numerous reports from Somali refugees of police harassment in their homes there. Two weeks after Akhmed Muhammed Ali, a fifty-seven-year old Somali refugee, moved into an apartment there with four other Somalis, two policemen came and asked to see their documents. Their MMS cards, the police maintained, were worthless without a police stamp. They were taken to the police station, beaten and made to pay a "fine."⁸³

When they returned to the apartment, a police order on the door forbade entry except to the owner; later, when the owner had returned, the Somalis attempted to retrieve their luggage. According to Mr. Ali "[The Landlady] paid the cops 200,000 and [said] that we had to pay 200,000. She said we had to get a note from the cops [before she would] let us in to get our luggage." Mr. Ali eventually retrieved some of his luggage.

"Mariam" is a Somali refugee with UNHCR documents and a mother of five children. Several weeks after she moved to an apartment near Biryulova Street in March 1997 police knocked at her door, pushed their way past her, checked her documents and inspected the rooms in a cursory manner. Seeing that she was eight months pregnant, and that she had four other children, they left without making demands. Soon after the birth of her fifth child, in April 1997, the same two policemen again reportedly forced their way into her apartment at 10:00 p.m., "fined" her husband 50,000 rubles (after first asking for 100,000), and hauled off three Somali men who had been staying with them.⁸⁴

"Aziz" had managed to extend his foreigner's visa and registration for several years. He received refugee status from the UNHCR in December 1996 and registered an application for refugee status with the Moscow Migration Service. The Moscow Migration Service had not ruled on his asylum case by the time his MMS card expired in March 1997. Police stopped him every day on the streets asking for identification, sometimes four or five times per day, upon which he was automatically taken to a police station and fined for not having proper registration documents. Just before

⁸¹ Ibid.

⁸² Ibid.

⁸³ Interview, May 15, 1997. See below, "Violence."

⁸⁴ Interview, May 22, 1997.

the May 1997 holidays, police stopped him in southern Moscow, near the Kakhovskaya metro station. At the police station he sat behind bars for about two hours; the duty officer then called him and “bargained” with him over the fine.

The Moscow city criminal investigative unit paid a night visit to “Guria,” an ethnic Georgian from war-torn Abkhazia, at 12:30 a.m. in early May 1997. Two men in plainclothes carrying nightsticks and handcuffs announced they were conducting a check, and ordered Guria to pay a 84,000 fine.

The baby was still awake . . . They came up to our door and showed me their identification booklets, but I asked them not to come in because I have a small infant. I told them they, you know, don't have the right to come into the apartment, and that if it weren't for the baby I would ask them to come in. I didn't want to upset my wife so I just gave them [84,000 rubles] and they went away . . . They didn't give me a receipt.⁸⁵

Occasionally police officers on “home visits” spare non-registered individuals fines. Iga Kokulia, who had been fined at least ten times at his home for housing unregistered guests, described a home-inspection incident in which the presence of women and small children in Kokulia's apartment apparently caused the police to refrain from fining the family.

Beginning in January 1997, the police inspector in “Nana's” neighborhood came to her apartment once per month to fine her and her brother and sister, who lived with her. On the first occasion, he pounded on the door at 1:00 a.m. “We didn't even want to open the door, we were frightened. He said, ‘Open the door or I'll break it down!’ Now we pay him 151,000 rubles each, every month.”⁸⁶

Police Violence

In most reported cases of police beatings of refugees in their custody, victims attributed this to their having attempted to argue their rights or to explain their position. During raids of markets and dormitories for passport checks, however, police often apparently beat victims as a matter of routine.

M.H. told Human Rights Watch/Helsinki of an incident he observed around May 15 while in custody at the police station near the Sevastopol Hotel:

“There was a guy, an Afghan, who said he had registered and that he had a visa and that he was not going to pay [the fine]. They hit him on the head—on the side of his head and in the face. Then the cops punched him and used their nightsticks. We were all behind bars and we saw he had tried to protect himself. They put him behind bars.”⁸⁷

On May 20, 1997, police at a station near Biryulova Street beat a seventeen-year-old Somali refugee as he was on his way to school. Police picked up Abduraham Sadik, a UNHCR-recognized refugee who had an MMS certificate

⁸⁵ Not his real name. Interview, May 24, 1997.

⁸⁶ Interview, May 24, 1997.

⁸⁷ Interview, June 6, 1997.

card, at 9:00 a.m. as he was waiting at a bus stop, took him to the station, beat him and kept him at the station until 8:00 p.m. He described the incident to Human Rights Watch/Helsinki:

The [police] at first drove past in their car. When they saw me they backed up. I showed them my MMS and UNHCR card. I'm under age, so I don't have a passport. . . They said, "those are not documents, pay a fine." I said I didn't have any money. They shoved me by the shoulder into their car. They said "Blackie [Chorniy], get in!" The people standing at the bus stop were all laughing.

They took me to the police station and put me behind bars. After three hours, I said, "I'm on my way to school! Let me out!" One cop came in and hit me in the face, first on the left side. I fell down. I tried to cover my head with my hands. Then another policeman came in and boxed me on the head. I said, "Why are you hitting me, what do you want?" They said, "Fuck you, shut up darkie." I took five or six blows to both sides of my head. They stopped hitting me when I cried.

My head is swollen, but there was no blood. When I fell I felt dizzy and almost vomited. Today I still feel sick and can't go to school.

They let me out only after the new duty officer came for his shift. The new duty officer gave me my documents and told me to sign something. I asked him what it was and he said, "Shut up, it's none of your business."⁸⁸

"Guria,"⁸⁹ an ethnic Georgian from Abkhazia, reported to Human Rights Watch/Helsinki that passport checks were especially violent around the Shchelkovskaya metro station in eastern Moscow, near the Pervomayskoe department store; police who guard the store apparently also run frequent passport checks at the metro station. Perhaps the most egregious of these incidents occurred on January 7, 1997, the day his wife gave birth to their second daughter. Three policemen stopped Guria near the metro station and brought him to their headquarters inside the Pervomayskoye department store:

They said, "Document check." They took my Georgian embassy refugee card and said, "come with us." [I went with them] to the department store. As soon as we went inside the store, they said to me, "You black-ass, what are you doing here? Stealing, right?" I said to them, "Why do you harass us like this?" When I said that one of them kicked me in the rear end. It was right there in the store, where the counters are. There were people everywhere. . . ." They called me a black-ass . . . I was simply ashamed, I have my honor. When I said that they were harassing me, they said, "Now you'll see what harassment is," and started kicking me." I told them my daughter had just been born and asked them to let me go because I wanted to go to the hospital.

At the police room in the store the police put Guria in the "monkey cell," upon which he immediately tried to hide 100,000 rubles by rolling them up. When police demanded that he pay a 167,000 ruble fine, Guria claimed he had only 10,000. Police searched him, found the hidden 100,000 and beat him:

They put some piece of paper on the table and hit me in the face, and then a second cop came up and kneed me in the stomach, and a third started hitting me with a nightstick. They were all insulting me, "Why did you hide the money?"

The latest incident, near his apartment building, occurred on May 11:

⁸⁸ Interview, May 22, 1997.

⁸⁹ Not the man's true name.

They checked everything on me. They checked my veins to see whether I was a drug addict. I was ashamed since my wife and four-year-old daughter were watching from the window and saw how they smacked me around. Everyone was watching them check me. They threw me around and insulted me.⁹⁰

Around May 10, police beat Iga Kokulia, an ethnic Georgian from Abkhazia, at a trolleybus stop. Kokuliya was waiting for a trolleybus and saw the police car approach from afar. He tried to run away, but the car caught up with him:

They said, "Where are we going comrade?" They didn't hit me at first, they tried to get money out of me. They put me in the patrol car. There were two [cops] inside. They started to threaten to take me to the station . . .and thought I would get scared and give them money. I said, "Please take me to the station!" I was sure that no one would beat me there, [that] there would be someone to talk to, the duty officer. At the station I am more or less protected from these creeps.

They started literally to thrash me, saying I was a hoodlum, a thief, a drug addict, that there were enough swindlers here [without] "black-asses" from Georgia. . . . They hit me right in the car, punching me and hitting me with a wooden nightstick. They hit me a few times in the head, but in the car it was [too small] to wave a stick around so they [stuck to] punching me.

The police searched Kokulia and took the 15,000 rubles they found on his person.

In early June, three policemen in Lyuberts, a suburb of southern Moscow, beat an ethnic Russian refugee from Abkhazia in a roadside police post. "Sasha" told Human Rights Watch/Helsinki that he had been waiting at a bus stop in Lyuberts when police drove up at about 11:30 p.m.:

⁹⁰ Interview, May 20, 1997.

They asked for my documents and I gave them my passport. I had no registration. I tried to give them money through the window so they would let me go. They called me a creep and a good-for-nothing. They took me to the police post. They told me my passport was a fake. They didn't believe [I was an ethnic Russian]. They beat me on my legs with truncheons, and on my solar plexus. They stood me up on the floor and put my hands behind my back [in handcuffs] in handcuffs, jerked my arms upward and my head was below. It was the "lastochka."⁹¹

I said I wanted a lawyer. They said, "So you want a lawyer too? This isn't America for you to go calling a lawyer!"⁹²

When Human Rights Watch/Helsinki interviewed "Sasha" marks from the handcuffs remained on his wrists.

"Jamshed" lives in an abandoned railway car near one of Moscow's flea markets. An unregistered migrant from Tajikistan's Gharm valley, he and his friends paid a 50,000 ruble bribe on a regular basis to the neighborhood inspector. On April 28, a different inspector came around to check their documents, and when one of the Tajiks asked to be taken to the station instead of sorting things out there, Jamshed claimed, "The cop just leapt on him and started kicking and punching him, saying 'How dare you talk like that!'"⁹³

At the police station, police searched them and reportedly told them to pay 300,000 rubles. "Some of us said we didn't have any money, explained Jamshed. "They started searching us one at a time. When they found money on us they would kick or hit us because we didn't hand it over right away. Me, I got punched in the chest."

Several days later, during the May Day holidays, two policemen reportedly came by between 12:00 and 2:00 p.m. and demanded 250,000 rubles from the entire group. One of the policemen beat twenty-eight-year-old Jumokul, another Tajik, causing him to be hospitalized. Jamshed told Human Rights Watch/Helsinki:

⁹¹ In the "lastochka" position, the victim's hands, in handcuffs, are behind his back and raised up, forcing his head down.

⁹² Interview, June 17, 1997. Not the man's real name.

⁹³ Not the man's real name. Interview, May 14, 1997.

[Jumokul] said in Tajik, "Let's get the money together." For that, the cop punched him and he fell. First he punched him in the stomach, then he kicked him in the face, and he was wearing those lace-up boots. His eye was all closed up. It turned red, then black. When the policeman saw what happened he asked forgiveness and asked if he could drive Jumokul to the hospital. We said we would do it ourselves. When [Jumokul] got out of the hospital, he wanted to go to court, because he had a hospital certificate [documenting his wounds]. We told him not to because we have no voice here.⁹⁴

Unusually, no money was taken in this incident.

Akhmed Muhammed Ali, who has both UNHCR and MMS certification cards was brought from his home to a station near Biryulova Street, where he was beaten and then detained for about six hours. Mr. Ali told Human Rights watch/Helsinki:

They told us to get dressed, . . . and when we went downstairs they drove us to the station. At the station they told us we were going to each pay a fine of 200,000. [The officers] said, "You are cheaters. You are living in this house for fifteen days. You have no documents and you are not supposed to be here. . ." Abati, [one of Mr. Ali's roommates] has a Russian girlfriend and speaks good Russian. He talked to the police. He said, "The owner of the apartment rents the apartment to us. We don't cheat on the rent!" Then they started beating us with sticks, they were black rubber sticks, and slapped us. They said, "Why are you coming here," and called us stupid blacks. This was in the reception room. Many other people were walking past, but they said nothing. They beat us for about seven minutes. There were five policemen. They were taking turns. Mostly [they hit us] on the head, but they also hit our elbows and stomach. Then they searched us. Whatever we had they took. We got there at 12:00, and the police released us at 6:00 p.m.⁹⁵

⁹⁴ Ibid.

⁹⁵ Interview, May 15, 1997.

The beatings of dozens of Azeris during market raids in July 1996⁹⁶ caused at least two individuals to be hospitalized. During the July 18, 1996 raid on the Cherkizovskii market, police beat at least ten Azerbaijani merchants and ripped up their registration documents.⁹⁷ The Azerbaijani embassy in Moscow filed a complaint on behalf of nine victims with the district prosecutor's office. The prosecutor's office responded that police denied having beaten the Azeris, claimed that the procurator's office had "had no success" in locating victims in order to complete the investigation, and requested the embassy to assist in providing the necessary information to conduct a criminal investigation.⁹⁸

Masked police conducted a similar raid at the Krasnogvardeiskii market on July 25, during which they destroyed 100 million rubles worth of fruits and vegetables, and hauled away the rest.⁹⁹ Elgar Agakishiyev, Consul of the Azerbaijani embassy, told Human Rights Watch/Helsinki that two days after the embassy received between twenty and thirty complaints of beatings and other abuse by Moscow police in this raid, "we found half [of the complainants] and took them to the procuracy. There they repeated the testimony they had given us. We always accompany [such people] to the police and participate in the questioning."¹⁰⁰ When riot police raided the Shukinskii market on July 29, they beat and kicked Elnur Talybov badly enough to require emergency treatment. Emergency room staff reportedly refused to issue a medical report detailing the cause of his injuries upon learning that they were caused by police.¹⁰¹

The Moscow GUVD's criminal investigations of both the Krasnogvardeiskii and Shukinskii market raids remain open.¹⁰²

Other Arbitrary and Predatory Conduct by Police

Police use registration rules to harass and extract bribes from individuals transiting through Moscow from other CIS countries. However, Moscow's registration rules, old and new alike, exempt transit passengers—those who possess tickets to prove they are merely transiting or who are at a station or other port of entry—from the registration requirement. In May, Zulfikor Shodiyev, a refugee from Tajikistan and journalist for the BBC, was helping a twenty-

⁹⁶ These raids followed the rash of bombings on Moscow public transportation.

⁹⁷ See Mikhail Gersimov, *Moskovskiy OMONovtsy obostrili obstanovku v Azerbajjane: Posol respubliki v RF Ramiz Rizayev nadeyetsya na blagorazumiye moskovskikh vlastey*, ("Moscow OMON Strain the Situation in Azerbaijan: Ambassador Ramiz Rizayev Hopes Moscow Authorities will be Reasonable"), *Nezavisimaya gazeta* (The Independent Newspaper) (Moscow), August 2, p. 6.

⁹⁸ Letter to Ambassador Ramiz Aizayev from V.V. Platonov, office of the Procuracy of the Eastern Administrative District. Letter provided courtesy of the Embassy of the Republic of Azerbaijan to the Russian Federation.

⁹⁹ Ibid. Two weeks after the Krasnogvardeiskii raid, Azerbaijani President Heidar Aliyev met with Moscow Mayor Yuri Luzhkov and the chief of Moscow police Nikolai Kulikov to "discuss lowering the level of crime" in Moscow. Summarizing their talks, Mayor Luzhkov pointed out the disproportionate number of Azerbaijani and Ukrainian citizens accused of committing crimes in Moscow; President Aliyev underscored the need to eschew national stereotyping in the fight against crime. See Elmira Akhmedi, "*Novoye v Otnosheniyakh Moskvy i Baku*" (What's New in Relations between Moscow and Baku), *Nezavisimaya gazeta*, August 10, 1996, p. 3.

¹⁰⁰ Interview, May 22, 1997.

¹⁰¹ According to a statement signed by Mr. Talybov provided by the Azerbaijani embassy in Moscow.

¹⁰² A March 1997 letter from Nikolai Kulikov, Head of the Moscow GUVD, stated that a careful investigation of both raids had been undertaken. The letter also complained that Azerbaijani citizens "have a certain negative influence on the operational situation in the city," and cited statistics that Azerbaijani citizens account for a disproportionate share of perpetrators among CIS citizens in Moscow. It also maintained that "crime has no nationality," and that the GUVD never considers the fight against crime as a fight against representatives of other nations. Letter provided courtesy of the Azerbaijani embassy in Moscow.

year-old acquaintance who was passing through Moscow en route from Kharkov, in the Ukraine to Tajikistan. Shodiyev and the man, whom Shodiyev identified only as "Komilov," took a taxi to the Kazan Station to purchase a ticket to Dushanbe. As soon as they got out of the taxi, by Zulfikor's account:

They were all standing there. I showed them my documents. They let me get out, but they took [hold of Komilov]. I told them I wanted to buy a ticket for him. The only identification he had with him was a certificate that his passport had been lost. They let him go. We went inside the station and bought the ticket. We went out, I wanted to show him to the platform. As soon as we went outside the police stopped him. I begged the [policeman]. I explained that he had a ticket. But he said, "No, he has a Kharkov propiska." They took him to the Kazan Station police room, but would not let me in. [For the next half hour] every time a policeman went inside he would ask what I was doing there and I would explain. After another half hour they let him out. He didn't give them any money, but they made him sign a police report that he had been in Moscow for a month with no propiska. They told him, "Your relative is a good person, that is why we're letting you go."¹⁰³

"Aziz," a merchant at the Cherkizov Market, who asked Human Rights Watch/Helsinki not to reveal any detail about him, reported that he had been registered with the Moscow police. When he went for a visit to Tajikistan in 1996, he departed on the last day of his registration's validity. At the police checkpoint near Domodedovo Airport, police flagged his car. Police ignored the man's one-way ticket to Dushanbe, insisting that he pay 50,000. Not wishing to risk missing his flight, he paid.¹⁰⁴

According to Moscow registration rules for foreigners, sanctions for failing to register apply if one fails to register with the police within three days of arrival in Russia.¹⁰⁵ "Malik," an Afghani refugee, arrived in Russia via Tashkent, Uzbekistan in early 1997. Upon arrival at the Kazan train station, he attempted to hail a taxi to search for an apartment. The first car to pull up was a police car:

They opened the door and told me to get in. I said I need a taxi, not cops. They didn't say anything. They took me very far, far away. We must have been driving an hour and a half. We ended up somewhere on Ryazanskii Prospekt. It was 6:00 p.m. At the [police] department I gave them my documents, I showed them my ticket, my visa. I still had to pay 50,000 rubles, and I sat there for three hours! And they didn't write up a report.

In an extreme case of predatory policing, four different groups of police extracted "fines" from a Tajik man on May 6, the day he arrived in Moscow from Dushanbe. A thirty-seven-year-old man with five children, "Tahir" had spent 170,000 rubles on "fines" and had been taken to four police stations within twenty-four hours of his arrival. He was staying in a shack in the woods near the Cherkizovskii market along with eighteen other Tajiks. He spoke in detail of his first day in Moscow:

As soon as I arrived I went to the market to look for work. I went to stay in a very small place . . . It's a bad place, dogs wouldn't live there. That night the police came four times. I took a loan from a friend to pay for food—120,000 rubles. They took it all. I didn't have any more money, so [for the next fine] I had to borrow 50,000 more.

¹⁰³ Interview, May 13, 1997.

¹⁰⁴ Interview with "Aziz," not his real name, May 14, 1997.

¹⁰⁵ This rule is selectively enforced. Foreigners who require a visa and who stay for one month or less generally suffer no consequences as a result of failure to register.

The first time, we were drinking tea. Someone from the 65th police department came. He told us to stand up and looked at our passports. He said I had no propiska. I said I just arrived, that I had three days to register. I said I had a ticket. He said, "Your ticket doesn't concern me." He took my passport and searched me and took money. Then he gave my passport back.

The second time it was the same thing, except we just gathered up the money and sent them away. The third time they took us to the 78th police station, it was getting to be morning already. They said "Go back to your homeland, What are you doing here in Russia? Russia can't feed everyone!" They put us behind bars. They looked at our passports, took our money, then gave our passports back. They wrote up police reports for us.

Two of us walked back together and some police stopped in their car. They said we didn't have a propiska. I showed him my ticket. He said my twenty-four hours had gone by already. He said I was new so he fined me only 20,000.

That night a policeman from the 73rd police department detained us. He didn't take money. He just said, "This is no place for you. Go to your homeland!" At the police station I talked to the senior lieutenant. He let us all go and we didn't have to pay anything.

I came here to work! I taught math and physics in a high school for fourteen years. I spent 220,000 in fines so far and I haven't earned a penny.¹⁰⁶

Non-Muscovites who obtain registration documents still are not guaranteed freedom from police harassment. Police target individuals with dark skin for identity checks, and frequently if they stop such an individual who does have registration documents, they refuse to accept the validity of the documents. The Moscow registration system is only partially on a centralized computer program; in most cases verification requires a telephone call to relevant police stations or housing commissions which are often difficult to reach.

If the police have reason to believe the registration document to be false, they may go to a station to run a computer check. In some cases the police, upon seeing a registration document claim it is false and demand a fine without running a computer check. In others, the enforcement of registration rules leads police arbitrarily to fine people who have legitimate registration documents on other grounds. "Irakli,"¹⁰⁷ a thirty-four-year-old ethnic Georgian from Abkhazia who has lived in Moscow since 1994, claimed that in the summer of 1996 police on the Arbat—one of Moscow's most famous and popular streets—tore up his registration document and then demanded a fine:

It was in broad daylight. . . There were three of them. They checked us, I showed my [temporary] registration, and they took it and ripped it up and threw it away. They said, "Now you don't have registration. Let's go to the station, you're going to pay a fine." They started to say [all kinds of stuff] so I gave them 50,000 rubles. And that was it.¹⁰⁸

¹⁰⁶ Interview, May 14, 1997.

¹⁰⁷ Not the man's real name.

¹⁰⁸ Interview, May 20, 1997.

Irakli recounted how the traffic police (GAI) in collaboration with regular police, detained and fined him on false grounds. In early April 1997, a GAI patrol stopped his car in the vicinity of Taganka Square in southern Moscow and began checking his documents. An officer from the Moscow Municipal Patrol then drove up:

He asked, "Who is this? No Moscow propiska? Take him." They took my documents and I had to follow them in my car to the police station. They took me to the police station, put me in the monkey cage. I sat there for three hours. Sometimes the duty officer writes you up on hooliganism, or drunk driving. . . Do you know what they wrote for me? That at 2:00 p.m. I—forgive me—urinated on Taganka Square. The duty officer showed me the report that the Municipal Patrol officer had written, and it said that I had urinated in city center, even though I hadn't! They wanted me to pay a 18,000 fine. I refused, and the duty officer was very polite and let me go.

[Whenever I'm stopped] I always ask why they are harassing me. They say they have a plan. They give an example that each policeman has to catch, say, ten people in one day.

On an earlier occasion, in December 1996, police had flagged down Irakli's car near metro Babushkinskaya, in northern Moscow about 7:00 p.m. and detained him until 4:00 a.m. Although he could show that he was registered for temporary residence in Mozhaisk, a city in Moscow Region, Moscow city police officers refused to recognize the validity of this registration and did not give him the benefit of the doubt as to the length of his stay in the city. He described the incident to Human Rights Watch/Helsinki:

I was driving and they checked my car. The policeman [when he saw my documents] said, "What the hell did you come here for?" Then it was the same thing . . . They [took my documents], drove in front of me, I followed them. They put me in the monkey cage. And [you have to wait there] until the duty officer calls you. The police officer [who stopped me] wrote in the report "fine for no registration." I had a Moscow Region registration, but it's the same thing. "But if you register in Moscow region," [they say], "you have to register here." But that's not true! And an 80,000 ruble fine. I didn't have any money, but I had a tape recorder in the car, and they told me I could leave it at the station until I brought the money, but I wouldn't give it to them and said, "Lock me up!" And they did. And they let me out at 4:00 a.m. Call home? Are you kidding?¹⁰⁹

The police report on his case noted that he had been fined for violating registration regulations but that he had no money to pay.

"Guram," a thirty-four-year old refugee from Abkhazia, was made to pay fines repeatedly in Moscow city in the winter of 1997 because he was registered for temporary residence in Zhukovskii, a town about fifty kilometers from Moscow in Moscow region. "[When the police see this registration] sometimes it's just fine, and sometimes not. They say it's not valid [for Moscow]. . . and I have to pay a fine." Guram described in detail a specific incident in June 1996 in which police in northern Moscow detained and "fined" him, allegedly for invalid registration documents; it is unclear, however, whether the police in good faith contacted the police station in Zhukovskii where Guram had registered. Moreover, the duty officer did not ask Guram to sign a police report, a copy of which would have served as a receipt for the fine he paid. He told Human Rights Watch/Helsinki:

They caught me near the Baikal cinema, near the Vodnoy Stadion metro station. . . It was about 9:00 a.m. There were four [policemen]. They put me right in the car. I was holding bread and baby food. I told them I needed to go home and feed my child. They said the standard things . . . and pushed me in the car . . . and drove me to the station, about two kilometers from the cinema. At the station they

¹⁰⁹ Interview, May 20, 1997.

searched me and put me behind bars. [I stayed there] about four hours. They checked my registration [right in front of me] and said it was invalid. I said, "How's that?" I said, "Call the police department where the registration was done!" I don't know whether or not they called. They didn't say. They said if you don't pay we're not letting you out. I said how much, 50,000? . . . They didn't write up a report and I did not sign anything.¹¹⁰

Since he had no money with him, the duty officer held his passport while Guram went home to get money. Upon paying the "fine," the police returned Guram's passport.

"Nodar," a twenty-three-year old refugee from Abkhazia, came to Moscow in the fall of 1996. Police frequently stopped him, examined his temporary registration document, and then detained him at police stations to verify the document. He also claimed that when police at the station are "too lazy" to run a computer check on him, they order him to pay a fine. In April 1997, police at the Volzhskaya metro station detained him behind bars at that station's police room because, he believed:

I talked a lot. I wanted to explain [that my registration was all right]. I was able to talk someone at the station into letting me go because it turned out he did his military service in Georgia and had a lot of friends in Georgia. He turned out to be kind, he made the phone call [to the housing committee], and let me out. The line was constantly busy. Then he called the police station where I'm registered, but that line was also busy. So we had time to talk. I was there for an hour and a half.

The rules on registration do not afford adequate time for people to learn where and how they must register and or to complete the registration within the twenty-four hour period, as prescribed in the Moscow rules. When police choose to enforce these rules they do so rigorously. "Abdul," a forty-five-year-old Afghan refugee (with UNHCR and MMS certification cards) and former lieutenant general in the Afghan army, took over the sublease on an apartment a friend had been subleasing upon his arrival in Moscow in January 1997. Immediately after he moved in, at midnight, the neighborhood inspector and two other policemen knocked on Abdul's door. Abdul's tourist visa was valid, but he had not yet registered at UVIR, as all foreigners are required to do; he was fined 50,000 rubles. After he registered the inspector returned, examined Abdul's visa and UVIR registration, and fined Abdul another 50,000 rubles because he was not registered to live in that apartment. The inspector again returned several nights later, again at midnight, to verify Abdul's registration for that apartment:

He banged at the door and I opened it. The children [Abdul has four children] were sleeping and got scared. He went in the room and pushed and kicked on the sleeping children under their blankets saying, "What's that, and that and that . . . I said, "what are you doing, have you no conscience?" He wanted to hit me but I held his arms. He said, "Tomorrow I will seal off this apartment."

The next day the apartment was locked and sealed; Abdul and his landlady went to the police station with the landlady's sublease—which she had concluded with her previous tenant—and a certificate from the Tax Inspectorate proving that she paid taxes on the rent. The police reportedly told the landlady that she had been responsible for registering Abdul, that she had violated the rules and that she had two days to get Abdul and his family out of the apartment. Terrified that she might lose her apartment, she asked Abdul to leave.

In early May police stopped "Malik"—a thirty-nine-year-old former colonel-general of the Afghan army—who is a UNHCR recognized refugee in southern Moscow and brought him to the station near the Kakhovskaya metro station. Malik's claimed that his tourist visa, registration and passport were all valid, but that police wanted a 200,000 ruble fine: He told Human Rights Watch/Helsinki:

¹¹⁰ Interview, May 20, 1997.

I knew it was good. I kept asking, "why?" I said let's call, but they wanted [the money]. The policeman finally gave in and said, "If it's fake, I'll kill you."

The policeman called and asked for [computer verification] for my passport number and visa, and put my visa down. Then he said, "O.K., it's not a fake, but give me 50,000 anyway. When he saw I wasn't going to give him anything he started to rip my visa. So what could I do?"¹¹¹

A Human Rights Watch/Helsinki representative saw the taped-up tear in "Malik's" visa.

Deportations and Pre-Deportation Detention

Resolution 637-RM and other Moscow city resolutions failed to stipulate under which circumstances the violation of registration rules would trigger a fine or deportation or expulsion from the city, thereby granting police broad discretion in applying sanctions. The resolution appeared to indicate that deportation would result from either a lack of identification documents or the inability of a repeat offender to pay a fine; yet there seems to be no pattern to distinguish among those aliens who are deported summarily and those who are fined literally dozens of times. While the July 9, 1997, Moscow law on registration¹¹² does not expressly include deportation among punitive measures for violators, it does not expressly abolish the old rule allowing this. Human Rights Watch/Helsinki fears that the practice may continue, especially since expulsion from a city remains an established sanction for punishing Russian Federation citizens guilty of vagrancy, and also because future administrative regulations may reintroduce it.

Asylum Seekers

Moscow police often detain asylum seekers who are UNHCR-recognized refugees and who have filed applications for refugee status with the Moscow Migration Service and hold them in lengthy custody in filtration holding centers¹¹³ for failure to comply with registration regulations and attempt to deport them or to forcibly return them to the countries in which they fear persecution. This practice violates in a most perverse way the Russian government's obligation under the 1951 Convention on the Status of Refugees to protect refugees from refoulement.

It is unclear how many asylum seekers were subjected to deportation from Moscow during the past year. However, according to a Western source, in the summer of 1997 forty-five people from countries outside the CIS and Baltic states (out of a total of 164), were held in custody at the filtration holding center at Severny in northern Moscow, the facility that also holds other foreigners.¹¹⁴ Typically such individuals are held for violating registration rules or overstaying their visas, or one of these in combination with another infraction, such as working illegally. Another source reported on individual cases of detained asylum seekers at the center and of frustrating, protracted and sometimes futile attempts to prevent their deportation to their home and third countries and to secure their release. As

¹¹¹ Interview, June 6, 1997.

¹¹² For a detailed discussion, see above, "Registration in Moscow"

¹¹³ These are run by the Directorate for Visa and Registration (UVIR) of the Moscow GUVD. For a fuller detail on these centers, see the above discussion of the homeless.

¹¹⁴ This source requested strict anonymity.

stated above, because UVIR does not recognize the validity of asylum seekers' UNHCR refugee status or MMS certification cards without an UVIR stamp, it considers such individuals illegal aliens.

Cases of this kind included:¹¹⁵

- Two Somali refugees who had been waiting three years for status determination, and whose MMS cards were valid until February 1997, detained in December 1996 on the grounds that they were illegally on Russian territory;
- an Ethiopian refugee whom police in February 1997 accused of having false student registration documents;
- A Mauritanian refugee detained in March 1997 for not being registered in the city of Moscow;
- An Afghan refugee detained in March for not being registered in Moscow; and
- A Nigerian refugee detained on March 25, whose deportation was pressed by UVIR with the Nigerian Embassy in Moscow.

According to another Western source and a former Severny detainee, conditions in Severny are deplorable. Toilets are a hole in the cell floor, detainees may shower reportedly once per month and the food is reportedly putrid. Many detainees reportedly suffer skin disorders such as scabies as a result of poor hygienic conditions. Moreover, detainees there do not have access to an attorney.

The former Severny detainee—Badin Galalia, an Iraqi Kurd—recounted in detail to Human Rights Watch/Helsinki his experience of 111 days in detention at Severny. On January 6, Mr. Galalia was taken from his home into custody without explanation, although he had been living in Russia for three years illegally and had not applied to the UNHCR for refugee status. His Russian common law wife, Elena Valtakh, learned of his whereabouts only three days later, since Severny authorities did not allow him to make a phone call. UVIR authorities at Severny denied Mr. Galalia access to a lawyer and apparently began to prepare for his deportation to Iraq. They also ignored pleadings from Ms. Valtakh that she was prepared to marry him to legalize his status. During his stay in Severny he was not permitted to shower.¹¹⁶

After Mr. Galalia's attempted suicide in April, UVIR officials sent Mr. Galalia to a psychiatric hospital. When his wife, Elena Vattakh, and UNHCR protection officers became concerned about his whereabouts and well-being, Severny authorities feigned ignorance for several days. Mr. Galalia was released from the psychiatric hospital on June 16.

Ms. Vattakh reported to Human Rights Watch/Helsinki that when she complained to the Federal Migration Service about Mr. Galalia's treatment and the attempt to deport him to Iraq, a representative scoffed at her, "What do you want? This is Moscow! It's not Russia." She told Human Rights/Helsinki, "He said that a federal law is one thing, but that there was a decree signed by the mayor to clean up all of Moscow, all of it, for the 850th anniversary."¹¹⁷

CIS Citizens

¹¹⁵ It is not known whether these refugees were in fact deported.

¹¹⁶ Interview, July 11, 1997.

¹¹⁷ Ibid.

Prior to “deportation” from Moscow, alleged offenders of the registration system also are detained in filtration holding centers (see above). Deportation of legal aliens, such as visitors from the CIS who violate Moscow’s registration rules, without recourse to review by a competent authority, violates article 13 of the ICCPR.

The two CIS citizens on whose “deportations” Human Rights Watch/Helsinki obtained testimony both worked at the open-air Cherkizovskii flea market. “Khamid,” the uncle of a deportee from Tajikistan, spoke to Human Rights Watch/Helsinki on strict condition of anonymity. Police stopped his nephew, “Salim” towards the end of February 1997 and confiscated his passport, presumably until he could pay the fine he owed. A few days later, police stopped Salim, and, when the latter could not produce identification, placed him in a filtration holding center in Moscow’s eastern district. When Khamid learned of the incident, he brought Salim’s passport to the filtration detention center and attempted to have him released. “They told me it was too late, that they had already filed his case with the procurator’s office [for deportation],” Khamid told Human Rights Watch/Helsinki. “They said he would stay [in custody] for at least a month.”

Salim was released when Khamid appeared at the filtration detention center with a one-way ticket for Uzbekistan. “Of course he didn’t go there,” Khamid scoffed. We sold it. Now he is in Kirov.”

The second case involved four Tajiks who were detained in spring 1997 and were also to be deported to Uzbekistan. M.P., a Russian who works as a superintendent at the market, was a friend of the detainees, procured railway tickets for them and facilitated their release from custody. He explained that his four Tajik friends and a Russian man were stopped near the gates of the market and then taken to the 101st police department, where they spent about twelve hours before being sent to the filtration holding center near Novoslobodskaya metro station. Police released the Russian man, who then informed M.P. of the fate of his friends. M.P. told Human Rights Watch/Helsinki:

I searched the police stations [for them] for three days. Then [the released Russian man] came to the market and told me, “Four of your friends are at the spetspriyemnik [filtration detention center].” I went to the spetspriyemnik and talked to the duty officer. He gave me their passports and told me to go buy them tickets for Dushanbe. I bought tickets to Tashkent because there were no trains to Dushanbe because of the typhoid epidemic. I brought him the tickets and waited two hours —then they let [my friends] out. No one came to the station to see that they departed.¹¹⁸

Failure to issue a receipt

Very few aliens receive receipts upon payment of fines, which in principle could protect them from being fined twice in one day. Iga Kokuliya, an ethnic Georgian from Abkhazia, recounted to Human Rights Watch how police fined him in early May 1997; Kokuliya claimed he did not have enough money for the 167,000 ruble fine (the official rate), but that he could borrow the money from friends. Upon reaching a shop owned by his friends, whom the police apparently knew, the police accepted a “fine” of 100,000 but did not issue a receipt. The same man alleged that in spring 1996, he was walking home from the grocery store and was stopped some 200 meters from his building by policeman. Since Kokuliya had no money to pay a fine, the policeman took about 45,000-50,000 rubles worth of groceries, the fine at that time. X, a twenty-three-year-old Georgian from Abkhazia, described the practice, which is commonplace:

I was near the entrance to the metro [in northwest Moscow], and I was stopped. They ask me to show my documents . . . and said I wasn’t registered and I should pay a fine. I said, “Could you write me out

¹¹⁸ Interview, May 14, 1997.

a receipt?" And they say, "If you want we'll take you to the station .. [if not] then pay up. And they took 50,000."¹¹⁹

In February 1997 "Hokim" paid a 100,000 ruble "fine" to an officer at a police station but signed no police report and received no receipt. A laborer from Tajikistan's Gharm valley, Hokim noted after waiting several hours at the station, he was called by the duty officer:

¹¹⁹ Interview, May 20, 1997.

There was a large group of them. By the time he called me there were only five guys left to be called. He just said to me, 'Do you have any money?' I said yes. He told me to put all my things on the table, took 100,000 rubles, and gave my passport back to me.¹²⁰

M.H., a thirty-six-year-old former colonel in the Afghan army who had received a masters degree from the Donetsk Polytechnical Institute in 1986, arrived in Russia in 1996 and immediately applied for refugee status. Asked how many times in one week he was stopped by the police he retorted:

In one week? Better to ask how many times in one day. Every day, if I go to the market, out on the street. Maybe once a policeman has recognized my UNHCR identification card.

Six weeks ago a policeman ripped up my documents from the UNHCR. It was near the Hotel Sevastopol. The policeman was alone. There was another Afghan with me. He asked us for our documents and when I showed him them my refugee card [from the UNHCR] he said, "you don't have a registration certificate. This document is meaningless. I said it's a [UNHCR] document—I'm a refugee here. It's our documentation. But he ripped it up and said, "it doesn't matter to us. We're sending you back to the Talibs." He was serious. He put me in a car and said we were going to the station. I knew that if we were to go to the station I would have to sit two or three hours behind bars in a bad atmosphere. So I said on the way, how much would I have to pay for him to let me go. At first he said 100,000 but then I said I was poor, and he [went down] to 50,000.¹²¹

¹²⁰ Interview, June 13, 1997.

¹²¹ Interview, June 6, 1997.

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