

Submission from the Internal Displacement Monitoring Centre (IDMC) of the Norwegian Refugee Council (NRC) for consideration at the 111th session of the Human Rights Committee (7-25 July 2014), Geneva

RUSSIAN FEDERATION

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Internal Displacement Monitoring Centre

The Internal Displacement Monitoring Centre (IDMC) was established in 1998 by the Norwegian Refugee Council (NRC) and monitors conflict-induced internal displacement worldwide. The Geneva-based Centre runs an online database providing comprehensive and regularly updated information and analysis on internal displacement in more than 50 countries. Through its work, the Centre contributes to improving national and international capacities to protect and assist the millions of people around the globe who have been displaced within their own country as a result of conflicts or human rights violations. All of the information contained in this submission can be found in the online IDMC database, which can be accessed at www.internal-displacement.org

OHCHR REGISTRY

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Recipients: *HR Committee*

I. Background to internal displacement in Russian Federation

- 1. Conflict, human rights violations and generalised violence in Chechnya and North Ossetia forced people to flee their homes in the Russian Federation from 1992 to the early 2000s. Up to 64,000 people were displaced during the 1992 inter-ethnic conflict in North Ossetia between Ossetians and Ingush, and over 800,000 people were displaced by wars that broke out in Chechnya in 1994 and 1999 between the state and Chechen separatists.**
- 2. None of the conflicts have been fully resolved and the security situation remains unstable with an undefeated insurgency now spread throughout the North Caucasus region. Violence and human rights abuses committed by insurgents and law enforcement authorities continue with impunity.**
- 3. This submission will inform the members of the Human Rights Committee of events relevant to the Seventh periodic State Party's Report on the Russian Federation on the 29th January 2013 (CCPR/C/RUS/7). It will focus on the current situation in Ingushetia, where authorities are liquidating collective centres of IDPs.¹**

¹ Collective centers are "pre-existing buildings and structures used for the collective and communal settlement of the displaced population in the event of conflict or natural disaster". Global Camp Coordination and Camp Management Cluster, 2010, "Collective Centre Guidelines," available from: http://onerresponse.info/GlobalClusters/Camp%20Coordination%20Management/publicdocuments/Collective%20Centre%20Guidelines_2010%20small.pdf

II. Main issues of concern and questions for the Government of the Russian Federation

Article 12 and 17 – Freedom to choose residence and right not to be subjected to arbitrary interference with privacy

4. In 2013 and 2014 the Russian authorities intensified a campaign to close collective centres housing IDPs in Ingushetia. The living conditions in these centres are usually inadequate and as a result their liquidation is a welcome development. However, the process is not always carried out in a transparent and non-discriminatory manner, as some IDPs were forcefully evicted from their residences in their collective centres. The legality of an eviction is in question if no alternative housing options are provided by the evicting authority, if the consultation process prior to an eviction was not transparent, or if discrimination based on ethnicity, gender, age, religious beliefs etc. were recorded during the eviction process.
5. Article 12.1 of the International Covenant on Civil and Political Rights clearly states that “Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.” According to local human rights defenders, local media as well as IDPs themselves who talked to IDMC, some evictions were forced and illegal. The process used to carry out these evictions also violated article 17.1: ‘No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home...’ The forceful removal of IDPs from their apartments and the removal of IDP property qualify as unlawful interference with privacy, family and home.
6. For instance, according to an IDMC interview with local civil society, 26 IDP families (78 individuals) from North Ossetia were forcefully evicted from one centre in Sunzhensk region as the roof was taken apart by authorities, without providing alternative accommodation in 2013. 77 IDPs from Chechnya and 8 IDPs from North Ossetia were forcefully evicted from the Promzhilbaza centre in Karabulak in 2014, again without providing any alternative accommodation.² On 5th October 2013, local authorities cut off the gas and threatened to cut off electricity to the 39 IDP residents of the Barak centre in landar’, in a bid to forcefully evict them from the centre.³
7. IDMC interviewed two IDPs in December 2013 and March 2014, who both complained about the forceful nature of the evictions that they experienced in Ingushetia. They claimed that even though they had “forced migrant” status and that they are entitled to public assistance to choose a residence, the authorities only promised around 150 USD per month as a standard benefit to cover IDP renting apartments in the area. However, it is impossible to find suitable lodging

²IDMC interview with Regional Public Movement “CHECHEN COMMITTEE FOR NATIONAL CONSENSUS”, 02.02.2014

³ Open Letter of IDPs living in Barak centre, 7th October 2013, <http://www.kavkaz-uzel.ru/blogs/342/posts/15908>

for such an amount of money, especially in the case of a family of over two people.⁴ The fact that the amount was fixed and family size or presence of handicapped individuals within the family is not taken into account is evidence of discrimination, and therefore the illegal nature of the eviction.

8. According to local media, in October 2013 some families of Promzhilbaza agreed to the compensation mechanism and found housing to rent for larger amounts of money, but the authorities did not send them the agreed funds.⁵ According to IDPs and local civil society, this particular compensation scheme was used before as a way to lure IDPs out of collective centres, and then stopping the payments after a few months.⁶
9. Courts rulings on evictions of IDPs from collective centres have come under question during 2013 and 2014. Local media has highlighted the case of Riabinka centre in Karabulak, where 27 IDP families were evicted on the 26th November 2013. In their official statement, IDPs wrote that authorities and workers came to dismantle the roof without a written notice warning the families of the upcoming eviction. According to one IDP, the decision to evict his family was made by a local court on the 16th October, however he was not informed about the decision and therefore could not contest it in court.⁷
10. One IDP told IDMC that a judge who passed a ruling to evict a group of IDPs in Ingushetia privately apologized and hinted that pressure came from authorities to make the decision. According to the Russian NGO Memorial, the court decisions to evict IDPs in Promzhilbaza were based on the authorities' claim that the housing occupied by the IDPs was not safe, which is legally a sound reason for eviction, and one that is used often by the authorities.⁸ Nevertheless, evictions discussed above were illegal due to the various violations of the eviction procedure.
11. The law on forced migrants of the Russian Federation does not include IDPs who were displaced within the administrative region of their residence, such as Chechnya.⁹ As a result, these IDPs do not enjoy the freedom to choose their

⁴ IDMC interviews, 30.12.2013 and 19.03.2014.

⁵ Caucasian Knot, 25th October 2013, <https://www.kavkaz-uzel.ru/articles/232189/>

⁶ Press Release, "CHECHEN COMMITTEE FOR NATIONAL CONSENSUS", 24th April 2013, <http://savechechnya.com/news/news2412.htm>

⁷ Caucasian Knot, 29th November 2013, <http://www.kavkaz-uzel.ru/articles/234320/>

⁸ Memorial NGO, 14th February 2014, [Администрация Карабулака требует выселить восемь семей беженцев.](#)

⁹ The government counts "forced migrants," not internally displaced persons (IDPs) as defined by the *Guiding Principles on Internal Displacement*. The definition used in the 1995 Law of the Russian Federation *On Forced Migrants* is both more and less restrictive than the definition of an IDP in the *Guiding Principles*. It is more restrictive in that a person displaced by a natural disaster or within a province of the Russian Federation would not qualify for forced migrant status, but would be considered an IDP according to the *Guiding Principles*. At the same time, a person who fled to the Russian Federation from a former Soviet republic might qualify for forced migrant status, but would not be considered an IDP according to the *Guiding Principles*.

own residence, since the government is not offering them the housing options that IDPs with forced migrant status are entitled to.

IDMC invites the Committee to consider bringing up the following issues to the Government of the Russian Federation in relation to Articles 12 and 17:

- Please investigate the claims that illegal forced evictions are happening in Ingushetia's collective centres, and provide IDPs with the relevant housing alternative or financial compensation if these claims are proven to be true.
- Please act accordingly to prevent future arbitrary interference with IDPs' privacy, family and homes.
- Please consider creating a scheme tailored to IDP needs such as family size, number of children, elderly and handicapped within a family in order to replace the current 150 USD per month scheme.
- Please investigate the implementation of compensation mechanisms set in place in Ingushetia and ensure that financial compensations that had been agreed on between the authorities and the IDPs have eventually been paid.
- Please reinforce the independence of courts in Ingushetia and ensure fair hearing and due legal process in accordance with international standards and human rights principles.
- Please consider training local authorities on the basic principles and guidelines on evictions.
- Please consider amending the law "On Forced Migrants", in order to include IDPs who were displaced in their administrative regions and bring the definition of forced migrants closer to the definition of IDPs in the Guiding Principles.

Article 26 - Equality before the law

12. According to Article 26, all persons are 'entitled without any discrimination to the equal protection of the law'. During 2013, the authorities of Ingushetia made clear that ethnic Chechen IDPs will not be treated in the same manner as those Ingush who fled from North Ossetia. According to multiple IDPs and local media sources, Ingushetian authorities discriminate against Chechen IDPs by not giving them housing certificates and pressuring them to return to Chechnya. The housing certificates are supposed to be handed out to all IDPs, and act as a guarantee that the government will pay for the purchase of private accommodation. For those IDPs still living in collective centres, these certificates represent the only way of obtaining tenure security and dignity. IDPs from North Ossetia who were housed in Promzhilbaza have for the most part received housing certificates and are not pressured to return to North Ossetia, unlike Chechen IDPs living in the same centre.¹⁰
13. Moreover, an audiotape of a conversation of IDPs in Promzhilbaza with lunus-Bek Evkurov, the head of the Republic of Ingushetia, in July 2013 obtained by local media has Evkurov clearly stating that all Chechen IDPs have to go back to Chechnya, or stay in Ingushetia on their own with no support from local authorities.¹¹ According to Russian law, and in accordance with international standards, "forced migrants" should be given the possibility to make an informed and voluntary choice to either stay at their place of residence, move to another region of Russia or return to their previous residence.

IDMC invites the Committee to consider bringing up the following issues to the Government of the Russian Federation in relation to Article 26:

- Please investigate claims that ethnic Chechen IDPs are being discriminated against in Ingushetia on the basis of their ethnicity.
- Please provide legal protection to ethnic Chechen IDPs in Ingushetia if these claims prove correct and set up a commission to evaluate claims of discrimination of IDPs in the region.

¹⁰ Bolshoi Kavkaz, 8th October 2013, <http://www.bigcaucasus.com/events/topday/08-10-2013/86913-evkurov-0/>, Open Letter of IDPs in Promzhilbaza, 20th June 2013, <http://www.m.kavkaz-uzel.ru/blogs/342/posts/15025>

¹¹ Description of the conversation, <http://www.habar.org/?p=24171>, Audiotape of Evkurov talking about Chechen IDPs, 1:30-2:00 <http://www.habar.org/wp-content/uploads/2013/07/1.mp3>