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فئات محددة من الجماعات والأفراد

النزوح الجماعي والمشردون

تقرير ممثل الأمين العام المعني بالمشردين داخلياً، السيد فرانسيس م. دنغ

إضافة \*\*

ملاحع عامة لحالات التشرد: الاتحاد الروسي

\* تُعمم خلاصة هذا التقرير بجميع اللغات الرسمية. أما التقرير نفسه فيرد في مرفق الخلاصة، ويُعمم باللغة التي قُدم بها وباللغة الروسية فقط.

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## خلاصة

قام ممثل الأمين العام للأمم المتحدة المعني بالمشردين داخلياً، السيد فرانسيس م. دنغ، بزيارة الاتحاد الروسي في الفترة من ٧ إلى ١٣ أيلول/سبتمبر ٢٠٠٣ بناءً على دعوة وجهتها إليه حكومة هذا البلد. وقد تمثل الهدف من هذه الزيارة في دراسة حالة التشرّد الداخلي في الاتحاد الروسي وفهمها على نحو أفضل، وبخاصة فيما يتعلق بمنطقة شمال القوقاز، وإجراء حوار مع الشركاء المعنيين بغية ضمان أن تكون هناك استجابات فعالة لحالات التشرّد الداخلي. وثمة هدف آخر للزيارة تمثل في تشجيع مختلف الفعاليات على زيادة استخدام المبادئ التوجيهية المتعلقة بالتشرّد الداخلي (E/CN.4/1998/53/Add.2).

وقد اجتمع ممثل الأمين العام، خلال تلك البعثة، بممثلين عن السلطات الحكومية، والمجتمع المدني، ووكالات الأمم المتحدة وبرامجها. كما قام ممثل الأمين العام برحلة ميدانية إلى منطقة شمال القوقاز حيث زار المشردين داخلياً في جمهورية إنغوشيا فضلاً عن العائدين في جمهورية الشيشان التابعة للاتحاد الروسي. وشدد ممثل الأمين العام تكراراً، في المناقشات التي أجراها مع السلطات خلال البعثة، على نهج العام المتمثل في المشاركة البناءة التي تنطوي على الحوار الموجه نحو إيجاد الحلول على أساس الاحترام الكامل لسيادة الدولة، مع النظر إلى هذه السيادة في الوقت نفسه باعتبارها تشمل مسؤولية الدولة عن حماية ومساعدة المشردين داخلياً الخاضعين لولايتها.

وأجرى ممثل الأمين العام محادثات إيجابية وبناءة مع المسؤولين الحكوميين على جميع المستويات. وسرّه أن يلاحظ ما يصدر عن الحكومة من إعلانات ثابتة في مجال السياسة العامة تؤكد فيها احترام حقوق المشردين داخلياً، بما في ذلك حقهم في العودة الطوعية بأمان وكرامة، فضلاً عن التزام الحكومة المعلن باحترام القانون الدولي لحقوق الإنسان والقانون الإنساني الدولي، وما أعلنته من تقدير للمبادئ التوجيهية المتعلقة بالتشرّد الداخلي. ومن جهة ثانية، لاحظ الممثل أن المشردين داخلياً الذين يعيشون في مخيمات في إنغوشيا يتخوفون من أن هذه المخيمات يمكن أن تُغلق وقد يضطرون إلى العودة إلى الشيشان حيث يواجهون وضعاً يعتبرونه غير آمن. وقد أكد العائدون المقيمون في مراكز الإيواء المؤقتة في غروزني ممّن التقى بهم ممثل الأمين العام أنهم لم يجبروا على العودة ولكنهم لم يحصلوا على الكثير مما وعدتهم به السلطات قبل عودتهم، بما في ذلك التعويضات والمساعدة الإنسانية الكافية، وأنهم لا يزالون يشعرون بقلق بالغ إزاء الحالة الأمنية وإزاء سلامتهم الشخصية. واشتكت منظمات إنسانية دولية عديدة من أنها تواجه عقبات إدارية تعترض جهودها الرامية إلى تأمين تمكنها من الوصول إلى الشيشان، وأعرب العديد من هذه المنظمات عن قلق إزاء عدم توفر شروط الأمن والسلامة اللازمة للعاملين في مجال المساعدة الإنسانية.

وقد أدت المناقشات التي جرت بين ممثل الأمين العام وغيره من كبار المسؤولين في الأمم المتحدة، والسلطات المحلية والوطنية، إلى زيادة إدراك الحكومة لاحتياجات المشردين داخلياً في الشيشان والمناطق المحيطة بها،

ولشواغل المجتمع الدولي. فمن شأن التعاون المتزايد بين الحكومة والمجتمع الدولي أن يتيح للمشردين إمكانيات أفضل للحصول على الخدمات الأساسية وأن يوفر للمشردين داخلياً حماية أفضل من التمييز والتهديدات التي توجه لأمنهم الشخصي، كما أن من شأنه أن يتيح التوصل إلى حلول مستدامة، وبخاصة العودة الطوعية إلى الوطن، وفقاً للمعايير الوطنية والدولية التي تكفل العودة بأمان وكرامة.

وكتوصية عامة، يحث ممثل الأمين العام جميع الجهات الفاعلة، ولا سيما الحكومة، على إيلاء الاعتبار الواجب لبرنامج العمل الذي انبثق عن المؤتمر الدولي المعني بالتشرد الداخلي في الاتحاد الروسي، وهو المؤتمر الذي عقد في موسكو في نيسان/أبريل ٢٠٠٢ وتولى تنظيمه معهد الدولة والقانون التابع لأكاديمية العلوم الروسية، ومؤسسة الشراكة المعنية بالهجرة، ومشروع مؤسسة بروكتر المعني بالتشرد الداخلي (E/CN.4/2003/86/Add.5)، بما في ذلك التوصيات الداعية إلى قيام الحكومة باتخاذ تدابير تهدف إلى تحسين العلاقات بين المجموعات الإثنية والقومية في مناطق الإدماج وأن تتولى هيئاتها المعنية بحقوق الإنسان الاضطلاع بدور قوي في مجال المراقبة، وبخاصة في ما يتعلق بالتصدي لانتهاكات حقوق الإنسان للأشخاص المشردين داخلياً، وأن تكفل الحكومة احترام وصون المبادئ الدولية لحقوق الإنسان التي تقتضي تأمين الحماية والسلامة للعاملين في مجال تقديم المساعدة الإنسانية.

كما يكرر ممثل الأمين العام التوصيات الرئيسية السبع التي قدمها عند انتهاء زيارته:

(أ) أولاً، ينبغي للحكومة الاتحادية والحكومات المحلية أن تؤكد من جديد، على نحو واضح وعلني، التزامها باحترام حق المشردين داخلياً في إنغوشيا في العودة الطوعية إلى الوطن بأمان وكرامة، وأن تجعل التزامها باحترام هذا المبدأ معروفاً للمشردين داخلياً أنفسهم. ومن شأن اتخاذ موقف يُعلن على نحو واضح وينفذ بصورة عملية أيضاً أن يساعد في ضمان شعور المشردين داخلياً بالثقة في أن الحق في الاختيار متاح لهم. ليس هذا فحسب، بل إن من شأنه أيضاً أن ييسر التعاون بين الحكومة وشركائها على المستويين الوطني والدولي؛

(ب) ثانياً، ينبغي للحكومة الاتحادية والحكومات المحلية أن تزود المشردين داخلياً بمعلومات كاملة ودقيقة وموثوقة بشأن الحالة في الشيشان لكي يتمكنوا من اتخاذ قراراتهم عن علم. وهذا ينبغي أن يشمل معلومات عن أوضاع الأمن، ومعايير الإسكان وفترة انتظار الحصول على التعويضات التي وُعدوا بها. وبالإضافة إلى ذلك، ينبغي أن تتاح للفعاليات الأخرى، مثل المنظمات غير الحكومية، الفرصة لكي تزود المشردين داخلياً بالمعلومات، على أن تفي هذه المعلومات بنفس معايير الوضوح الموضوعية والدقة. كما ينبغي للحكومة أن تكفل تزويد المشردين بالمعلومات وتمكينهم فعلياً من الاختيار من بين خيارات مختلفة فيما يتعلق بالعودة إلى الوطن، أو الانتظار في مناطق التشرد في ظل ظروف تُصان فيها كرامتهم ريثما تتحسن الأوضاع في الشيشان تحسناً مقنعاً، أو الاندماج محلياً أو، كبديل لذلك، التماس إعادة التوطين في أماكن أخرى من البلد؛

(ج) ثالثاً، ينبغي للحكومة أن تكفل إيواء العائدين في ظل أوضاع يتوفر لهم فيها قدر أكبر من السلامة والأمن، وبصفة خاصة من خلال توفير الحماية الشخصية والقانونية الكافية في مراكز الإيواء المؤقتة، فضلاً عن تيسير إمكانية اللجوء إلى المحاكم في الحالات التي تُنتهك فيها حقوقهم الإنسانية؛

(د) رابعاً، ينبغي للحكومة الاتحاد الروسي وحكومتها إنغوشيا والشيشان أن تعمل، بدعم من الفعاليات الإنسانية إذا اقتضى الأمر، على توفير ما يكفي من الموارد لمساعدة المشردين داخلياً في الحصول على مأوى مؤقت أفضل في مناطق التشرّد خارج الشيشان وفي إعادة بناء الممتلكات المدمرة والمتضررة داخل الشيشان عندما تسمح الأوضاع الأمنية بذلك؛

(هـ) خامساً، ينبغي للحكومة أن تكفل لجميع الأشخاص الذين تضررت ممتلكاتهم أو دُمّرت إمكانية الحصول على تعويضات على أساس من المساواة والإنصاف بصرف النظر عما إذا كانوا يختارون العودة أم لا، وأن تكفل دفع هذه التعويضات دون المزيد من التأخير؛

(و) سادساً، ينبغي للحكومة إنغوشيا أن تقوم، بمساعدة ملائمة من غيرها من الجهات الفاعلة، بتقديم المساعدة الإنسانية للمشردين داخلياً من الإنغوش من شمال أوسيتيا الذين يعيشون في ظل أوضاع ليست أقل حدة من تلك التي يعيشها المشردون داخلياً من الشيشان، وينبغي بذل جهود متضافرة من أجل التوصل إلى حلول دائمة بالنسبة لجميع هؤلاء المشردين. كما ينبغي أن تعالج بإنصاف وبشكل وافٍ المشاكل المتصلة بممتلكات المشردين داخلياً الموجودة في شمال أوسيتيا؛

(ز) سابعاً، يوصي ممثل الأمين العام، سعياً إلى تحقيق هدف الاستجابة الشاملة، بأن يتم تنظيم عملية مشاورات تشمل وكالات الأمم المتحدة، والمنظمات الحكومية الدولية وغير الحكومية، ومجتمع المانحين، كما تشمل بطبيعة الحال السلطات المعنية، من أجل العمل على تحديد استراتيجيات للمساعدة في التخفيف من محنة المشردين داخلياً في الاتحاد الروسي ولتحسين التنسيق فيما بين مختلف الجهات الفاعلة. ويرحب ممثل الأمين العام بالخطوات التي اتخذتها الحكومة بالفعل للمضي قُدماً في هذا الاتجاه، وهو يشجع عقد هذا الاجتماع.

وبالإضافة إلى ذلك، يحث الممثل الحكومة على أن تأخذ في اعتبارها الشواغل التي أعربت عنها اللجنة المعنية بحقوق الإنسان ولجنة حقوق الأقليات الاقتصادية والاجتماعية والثقافية، وعلى ضمان احترام حقوق الإنسان للمشردين وللعائدين، وأن تتم مساءلة مرتكبي انتهاكات حقوق الإنسان وإحالتهم إلى القضاء.

كما يحث الممثل الحكومة على العمل على نحو وثيق مع المجتمع المدني، وبخاصة مع المنظمات غير الحكومية العاملة لصالح المشردين، في الاستجابة لحالة المشردين داخلياً.

**Annex**

**PROFILES IN DISPLACEMENT: THE RUSSIAN FEDERATION**

**REPORT OF THE REPRESENTATIVE OF THE SECRETARY-GENERAL  
ON INTERNALLY DISPLACED PERSONS, FRANCIS M. DENG, ON HIS  
MISSION TO THE RUSSIAN FEDERATION (7-13 September 2003)**

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## Introduction

1. At the invitation of the Government of the Russian Federation, the Representative of the Secretary-General on internally displaced persons, Francis M. Deng, visited the Russian Federation from 7 to 13 September 2003. The Russian Federation has faced problems of internal displacement since the collapse of the Soviet Union in 1991. It was the first country to extend an invitation to the Representative at the time of the creation of his mandate in 1992, and he visited the country that same year (E/CN.4/1993/35, paras. 175-187). Subsequent events, in particular the conflict in the Chechen Republic of the Russian Federation in the North Caucasus, caused successive waves of displacement thereafter.

2. Since the beginning of the conflict in Chechnya in 1994, the Representative followed developments in the region and indicated his wish to visit the country again, including on a number of occasions in his ongoing dialogue with Russian representatives both in Geneva and New York as well as in Moscow while attending a conference on internal displacement in the Russian Federation.<sup>1</sup> Held in Moscow in April 2002, the International Conference on Internal Displacement in the Russian Federation, in which the Representative participated, was organized by the Institute of State and Law of the Russian Academy of Sciences, Partnership on Migration, and the Brookings Institution/Johns Hopkins SAIS Project on Internal Displacement (see E/CN.4/2003/86/Add.5). The objectives of the Conference were, inter alia, to review the situation of internal displacement and to stimulate further development of both institutional and legal frameworks. The programme of action that emerged from the meeting included proposals for national, regional and international responses. The Conference also urged the Government to take the necessary steps to facilitate a visit to the North Caucasus by the Representative.

3. In August 2002, the Representative received an invitation to visit the Russian Federation, including the Republic of Ingushetia and the Chechen Republic. At the request of the Government, the mission was to be undertaken jointly with the Special Rapporteur on violence against women. Scheduled to occur in early September, the mission was indefinitely postponed by the Government owing to security concerns in Chechnya. Indeed, the Government explained that the postponement had been initiated by the Chechen authorities. However, in April 2003, during the fifty-ninth session of the Commission on Human Rights, the Representative met with the Permanent Representative of the Russian Federation to the United Nations Office at Geneva, who informed him that it was expected that the visit could take place in September 2003. This was subsequently confirmed by the Government in a letter of 31 July 2003.

4. The objectives of this second official visit were to study and acquire a better understanding of the situation of internal displacement in the Russian Federation, with particular focus on the situation in the North Caucasus, and to engage in a constructive and solutions-oriented dialogue with the Government, international agencies, non-governmental organizations (NGOs) and other relevant actors aimed at ensuring effective responses to internal displacement. A further objective was to encourage the various actors to make increased use of the Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). The Guiding Principles, which are based on existing international human rights and humanitarian law, as well as analogous refugee law, have been widely embraced as a tool and standard for preventing displacement, addressing the rights and special needs of the displaced during displacement, and also for finding durable solutions following displacement.

5. During the mission, the Representative repeatedly emphasized his general approach of constructive engagement with both government authorities and other actors. This approach is based on the explicit recognition of the problem of internal displacement as falling under the sovereignty of the State. Viewing sovereignty positively as a concept of State responsibility to protect and assist its citizens, the Representative sees the role of the international community as one of promoting national

responsibility and, where necessary, providing support for protection and assistance, and his own role as one of a catalyst for promoting international cooperation with Governments in discharging their responsibilities toward persons under their jurisdiction.

6. The Representative had meetings in Moscow and also travelled to the Republic of Ingushetia and the Chechen Republic. In Moscow, he met with the Deputy Minister for Foreign Affairs, Yuri Fedotov; the Minister for Federal Affairs and Nationalities of the Russian Federation, Vladimir Y. Zorin; the Special Representative of the President of the Russian Federation for Human Rights in Chechnya, Abdul-Hakim Sultygov; the First Deputy Head of the Federal Migration Service of the Ministry of Interior, Igor Yunash, as well as officials in the Human Rights Department of the Ministry for Foreign Affairs. He also had the opportunity to meet with the Acting President of the Chechen Republic, Akhmad Kadyrov, who was subsequently elected President of Chechnya in October 2003. He had extensive consultations with the United Nations Country Team, including the Office for the Coordination of Humanitarian Affairs (OCHA), the Office of the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Programme (UNDP), the World Food Programme (WFP), the United Nations Children's Fund (UNICEF), the International Labour Organization (ILO), and the World Health Organization (WHO). He also had meetings with a number of non-governmental organizations (NGOs) in Moscow, including Médecins sans frontières (MSF) and Human Rights Watch. At the end of his visit he met with representatives of the diplomatic community in Moscow.

7. In Ingushetia the Representative met with the President of the Republic of Ingushetia, Murat Zyazikov, and a number of his advisers, the United Nations agencies and programmes present in the region, and a number of NGOs, including the national NGO Memorial. He also undertook visits to two tented camps for Chechen IDPs located at the border with Chechnya, individual IDPs living in private accommodation and a number of alternative shelter projects for IDPs. He also visited and spoke with a group of IDPs from North Ossetia hosted in a camp close to the city of Nazran in Ingushetia. The Representative undertook a one-day trip to Grozny, the capital of Chechnya, where he observed the devastating destruction of the capital. He met with a number of representatives of the local government, including the Deputy Prime Minister for Social Affairs. He also visited two temporary accommodation centres (TACs) for returnees and a local primary school, where he had the opportunity to talk in private with a number of returnees about their impressions and concerns. During the entire visit the Representative was accompanied, supported and briefed by the United Nations Resident Coordinator in the Russian Federation, Stefan Vassilev, as well as United Nations Deputy Humanitarian Coordinator and Area Security Coordinator for the North Caucasus, Valentin Gatzinski.

8. The Representative would like to express his gratitude to the Government of the Russian Federation for having invited him to visit the country, including the Republic of Ingushetia and the Chechen Republic. He appreciates the open and positive exchange of views with officials in Moscow and during his visit to Ingushetia and Chechnya. He also remains grateful to the President of Ingushetia and his administration both for their generous hospitality and the positive discussions, as well as the logistical and security arrangements. He notes with gratitude the substantive and logistical support and assistance of the entire United Nations Country Team, including the support of the Office of the United Nations Security Coordinator (UNSECOORD) team in the North Caucasus, and in particular for the invaluable support of OCHA in organizing the visit. He greatly appreciates the information provided to him by a broad range of NGOs about the situation of IDPs in the Russian Federation. He also remains most grateful to the many individual IDPs he met during his field visits for sharing their stories and concerns with him.

9. This report is divided into four main sections. The first section is an overview of the internal displacement situation in the Russian Federation with particular emphasis on the situation in the North Caucasus. The second section describes the dialogue with interlocutors and the findings and impressions of the Representative during his visit, including a number of specific concerns identified. In the third

section, the Representative briefly presents developments and follow-up actions undertaken by himself and other actors since his visit in September. Finally, in the fourth section, the Representative draws the major conclusions of his visit and puts forward a number of recommendations to various actors.

## **I. INTERNAL DISPLACEMENT IN THE RUSSIAN FEDERATION - OVERVIEW**

10. Internal displacement in the Russian Federation has mainly been linked to the break-up of the Soviet Union in the early 1990s. The collapse of a highly centralized regime combined with the resurfacing of identity-based political agendas produced political and ethnic tensions in different parts of the Russian Federation as well as in the newly independent States in the Commonwealth of Independent States (CIS). In the CIS region, internal displacement for the most part was linked to unresolved territorial disputes and ethnic ties to particular territories. In several cases, those displaced belonged to the dominant ethnic group, such as in the cases of Nagorny Karabakh, where the majority of those displaced from that area were ethnic Azeris; and Abkhazia and South Ossetia in Georgia, where the majority of those displaced were ethnic Georgians. In other cases, such as in the Prigorodny region in North Ossetia, it was the minority Ingush who were displaced from the area, and in Chechnya, the substantial ethnic Russian minority were displaced primarily during the period 1991 through 1995. More recently, displacement in Chechnya has been linked to fear of indiscriminate violence, with the majority of those displaced being ethnic Chechens. Today, by far the most serious internal displacement situation from a humanitarian point of view remains the one caused by the conflict in Chechnya.

11. Special mention should be given to the case of the Meskhetian Turks who, deported by Stalin from Georgia in 1944, remained internally displaced within the Soviet Union, largely in Uzbekistan. Following ethnic clashes, many Meskhetians left Uzbekistan in 1989 and resettled in the Russian Federation (see paragraphs 13 and 24 below).

12. While there are no reliable statistics on the total number of internally displaced persons in the Russian Federation, it is estimated that between 400,000 and 600,000 persons were displaced as a result of the conflict in Chechnya from 1994 to 1996, while an additional 600,000 are estimated to have been displaced since 1999 when hostilities resumed, including people who were displaced a second time. As of 14 January 2004, a total of 66,792 IDPs from Chechnya were registered for assistance in Ingushetia in the database of the Danish Refugee Council (DRC), an implementing partner of UNHCR. The United Nations estimates that an additional 8,000 IDPs from Chechnya currently reside in the Republic of Dagestan and 40,000 in other regions of the Russian Federation, while an estimated 140,000 also remain displaced within Chechnya itself. Some 162,000 IDPs, mostly of Russian ethnicity, were granted the status of "forced migrant" in other areas of the Russian Federation outside the region. Still others have integrated locally and are no longer registered, or have returned to Chechnya. According to statistics provided by the Federal Migration Service, more than 12,000 IDPs returned voluntarily to Chechnya in 2002 from Ingushetia, and about 11,500 in 2003.

13. Apart from the Chechen conflict, tens of thousands remain displaced from other parts of the country due to "forgotten conflicts". Approximately 14,000 ethnically Ingush IDPs who fled from North Ossetia during the now almost forgotten ethnic conflict in 1992 are currently residing in neighbouring Ingushetia. It is further estimated that 13,000 Meskhetian Turks have settled in Krasnodar Kray, where their status remains unclear, and approximately 700 have settled in the Kabardino-Balkariya Republic.

### **Legal framework**

14. The Russian Federation is a State party to six of the seven main international human rights treaties, namely, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights (ICCPR), the International Convention on the Elimination of All

Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the first Optional Protocol to the International Covenant on Civil and Political Rights, and has signed the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The Russian Federation is also a State party to a number of humanitarian accords, in particular the Geneva Conventions of 12 August 1949 for the protection of victims of war and the Additional Protocols thereto, of 1977 (see section III in this report for some recent comments by the international human rights treaty bodies).

15. The primary domestic legal framework addressing internal displacement in the Russian Federation is found in the Law on Forced Migrants of 1993. According to article 1 of the Law, a “forced migrant” is “a citizen of the Russian Federation who was forced or has intention to leave the place of his/her permanent residence on the territory of another State or on the territory of the Russian Federation due to violence committed against him/her or members of his/her family or persecution or due to a real danger of being subjected to persecution for reasons of race, nationality, religion, language, or membership of a certain social group or political opinion following hostile campaigns with regard to individual persons or groups of persons, mass public disturbances and other circumstances significantly infringing on human rights”. Article 1 continues, stating that “[a] person without Russian Federation citizenship can also be recognized as a forced migrant if he/she left the place of his/her permanent residence on the territory of the Russian Federation due to circumstances stipulated in part 1 of this article”. Furthermore, “[a] citizen of the former USSR who lived on the territory of a republic that was a part of the USSR who arrived in the Russian Federation due to circumstances stipulated in the first part of this article and who acquired the citizenship of the Russian Federation while on the territory of the Russian Federation can also be recognized as a forced migrant” (from unofficial translation quoted in E/CN.4/2003/86/Add.5). The status of “forced migrant” is primarily meant to facilitate integration in new places of residence, including through the allocation of special allowances, assistance with housing, job placement, loans and related support.

16. The law responded to a widespread feeling within the Russian Federation that the Russian State was responsible for persons who once lived on the territory of the Union of Soviet Socialist Republics and who wanted to return to the Russian Federation from one of the former republics of the Soviet Union, as well as those Russian citizens who were displaced within the Russian Federation itself. Thus, the definition of “forced migrant” was made broad enough to cover both situations. In this sense, it could be argued that the legislation to some extent blurs the distinction between what is normally seen as a refugee (having crossed an international border) and an IDP (remaining within his/her country of nationality or habitual residence). While the motive behind the legislation was clearly humanitarian in nature, problems have arisen in its implementation. Indeed, the legislation has not always been applied equally. Some displaced Meshketian Turks have reportedly not been accorded “forced migrant” status.

### **Chechnya**

17. After the end of the cold war and the collapse of the Soviet Union, Ingushetia opted to remain within the Russian Federation while Chechnya proclaimed sovereignty on 2 November 1991. Although the Russian Government permitted Chechen self-government on a de facto basis, it opposed independence for Chechnya. Following the election of Jokhar Dudayev as president in 1991, there ensued a progressive breakdown in law and order as well as armed opposition to President Dudayev, which some claimed was fomented by Russia. From December 1994 to August 1996, Russian troops intervened militarily in the Republic of Chechnya to restore order and prevent secession. Bombing and artillery attacks destroyed large areas of the Chechen capital, Grozny. A large number of persons fled the Republic and many civilians were killed. Most of those who fled were ethnic Russians who mainly

settled elsewhere in the Federation outside the region. They were generally granted the status of “forced migrant” and its related entitlements in the form of integration support and other assistance. A ceasefire was negotiated in August 1996 and all Russian troops were withdrawn from Chechnya. An agreement signed by then Russian President Boris Yeltsin and Aslan Mashkadov, who had succeeded Dudayev as President, provided that the status of Chechnya would be decided no later than 2001 and that any matters of dispute would be settled peaceably and in accordance with international law.

18. However, Chechnya remained unstable, with kidnappings and criminal activity on the increase. In 1999, a force of 2,000 armed Chechens, acting outside of the authority of the Government of the Chechen Republic, invaded neighbouring Dagestan with the purpose of proclaiming an Islamic republic there. This action was quickly repulsed and swiftly followed by the re-entry into Chechnya of Russian forces. To date, the situation has remained volatile with low-intensity violent conflict between secessionist rebels and Russian government forces. Since the resumption of hostilities in 1999, a large number of international and national human rights observers have reported serious human rights abuses and the Commission on Human Rights has adopted two resolutions on the situation in Chechnya.<sup>2</sup> The United Nations High Commissioner for Human Rights visited the Russian Federation, including the Chechen Republic, from 31 March to 4 April 2000 and issued a report on her visit in 2001 (E/CN.4/2001/36).

19. The Special Representative of the Secretary-General for Children and Armed Conflict also visited the Russian Federation, including the three Republics of Chechnya, Ingushetia and North Ossetia-Alania, from 17 to 24 June 2002. During his mission “he drew particular attention to the situation of displaced populations and received assurances from the Deputy Prime Minister of the Russian Federation, the President of Ingushetia and the Government of Chechnya that internally displaced persons would not be returned to their places of origin by force. The Special Representative expressed concern about reports on the enlistment of children by the insurgents, and about abuses reportedly committed by security agencies against young persons suspected of being associated with insurgency groups” (E/CN.4/2003/77, para. 19).

20. Access to the displaced in Chechnya as well as to the non-displaced population, who are all in need of assistance, has been problematic for humanitarian actors. On the one hand, conditions on the ground are extremely hazardous and on the other, humanitarian actors have had problems in obtaining official authorization to actually operate in the Republic. Most United Nations agencies operate within Chechnya through local implementing partners. Of the approximately 70,000 displaced persons from Chechnya living in Ingushetia, over 7,000 persons are currently registered in three tented camps, about 23,700 persons in temporary settlements, and more than 36,000 persons in private accommodation.

21. The situation of IDPs in Ingushetia - most of them ethnic Chechens - has been dramatically affected by a number of terrorist incidents attributed to Chechen rebels. In 1999, two apartment buildings in Moscow were destroyed by powerful explosions allegedly organized by Chechen rebels. In October 2002, a hostage crisis in a theatre in Moscow resulted in more than 130 dead. In December 2002, the central government building in Grozny was blown up and more than 100 persons died. As a consequence of these and similar acts, there has been a tendency on the part of the Government to increase security measures against IDPs in Ingushetia, and in some instances to put pressure on them to return to Chechnya. Following the October 2002 hostage crisis, the federal authorities reiterated their determination to close all tented camps in Ingushetia. Between 30 November and 2 December 2002, the authorities completely dismantled the “Imam” tented camp, near the village of Aki-Yurt (district of Malgobek) in Ingushetia, which had been accommodating some 1,500 IDPs. UNHCR estimates that approximately half returned to Chechnya, where they found shelter with host families or were accommodated in TACs. The rest remained in Ingushetia, living in self-made mud-brick houses on the site of the former camp, in temporary settlements, or with host families in the district of Malgobek or elsewhere.

22. The Russian Government has continued to maintain its strong opposition to the independence of Chechnya. In March 2003 a referendum was held which strongly endorsed a new constitution proposed by the Government of the Russian Federation, which strengthened the links between Chechnya and Moscow while also granting the Republic a more autonomous status. Presidential elections took place in Chechnya on 5 October 2003. Akhmat Kadyrov, who was already administering the Republic at the request of the Russian Government, prevailed, in an election which the Government upheld, but which some observers considered not free and fair. The authorities made some efforts to ensure that IDPs in Ingushetia could vote, however, reliable data has not been obtained. Many observers have noted that while the continued instability in the Republic is to a large extent a result of the conflict between Russian troops and Chechen rebels, corruption and crime also play a significant role in continuing the volatile situation. Reportedly, many elements without any particular political agenda have a vested interest in the continued instability and corruption.

### **North Ossetia**

23. Ingushetia is also host to approximately 14,000 IDPs of ethnically Ingush origin from the Prigorodnyi region in the neighbouring Republic of North Ossetia. Tensions between the Ingush residing in Prigorodnyi and the ethnically Russian Ossetians rose and fell through the 1970s and 1980s but exploded into the open during the perestroika period. Open warfare broke out in October 1992. Approximately 500 people died in a week of concentrated violence during which many homes, primarily those belonging to ethnic Ingush, were destroyed or taken over, and many thousands of people fled the Republic. Most Ingush IDPs have expressed a desire to return to their homes and property in Prigorodnyi, but a solution has yet to be identified. In the meantime, many still live in IDP camps in Ingushetia.

### **Meshketian Turks**

24. During 1989/90, approximately 90,000 Meskhetian Turks, an ethnic group many of whose members had been deported from the Soviet Republic of Georgia during the Second World War, were reportedly forced by ethnic conflicts to leave the Soviet Republic of Uzbekistan, where they had settled. At the end of 2002, an estimated 60,000 Meskhetian Turks remained in various areas of the Russian Federation. Of these, more than 13,000 settled in Krasnodar Kray and approximately 700 settled in the Kabardino-Balkariya Republic. However, the local authorities in Krasnodar Kray and the Karbardino-Balkariya Republic have continued to deny the Meskhetian Turks the right to register, which has deprived them of all rights of citizenship, despite provisions in the Constitution that entitle them to citizenship. Like other ethnic minorities living in Krasnodar, Meskhetian Turks were subject to special registration restrictions; for example, they were required to register as "guests" every 45 days. They have reportedly also faced other discriminatory measures with regard to employment and the leasing of land.

## **II. DIALOGUE AND FINDINGS**

25. Generally, the Representative was pleased with the policy statements made by the authorities in Moscow as well as in Ingushetia and Chechnya. The authorities consistently emphasized the importance of respecting the rights of the displaced, including the official commitment by the Government to ensuring the right to voluntary return. The discussions were generally open and constructive, and the Representative found the authorities responsive to his requests for information and willing to exchange views about the current situation of internal displacement as well as policy options and principles. The Representative argued that as a major power, the Russian Federation not only needed to address domestic problems of internal displacement but also had a leading role to play in the international response to the global crisis. He acknowledged the complicated situation in Chechnya and neighbouring Ingushetia, including sovereign Russian concerns with regard to terrorism. He reiterated that while he appreciated the right of the State to respond to the threat of terrorism, national sovereignty entailed the responsibility

of the State to protect persons under its jurisdiction. This was the main theme of his dialogue with Governments and the foundation of the Guiding Principles. He also referred to the recent conference on internal displacement held in Moscow in April 2002 (see paragraph 2 above).

26. Deputy Foreign Minister Fedotov noted that the Government saw the mandate of the Representative as a very important one and underlined the Government's readiness to cooperate with the Representative. He noted that the Government accepted its responsibility vis-à-vis the displaced and intended to continue to cooperate with the United Nations. He stated that the Government saw the Guiding Principles on Internal Displacement as helpful in the legal protection of IDPs. He stressed that it was important also to have a national framework to address the IDP issue, and that it should be based on existing international human rights and humanitarian instruments. The Representative shared a copy of *Guiding Principles on Internal Displacement: Annotations* by Professor Walter Kalin, which had recently been translated into Russian. The *Annotations* illustrate how the Guiding Principles are based on and rooted in binding international law.<sup>3</sup>

27. With regard to the situation of IDPs in the North Caucasus, Mr. Fedotov asserted that the situation was indeed complicated and that the democratic process, including the election planned for 5 October, was being undermined by terrorists. He affirmed that it was the intention of the Government to close the tented camps in Ingushetia, as they did not meet appropriate humanitarian standards. However, he also clearly emphasized the Government's commitment to freedom of choice for IDPs, and that return would only happen as a result of a voluntary decision by the displaced themselves. Alternatives for those not wishing to return would also be identified. He acknowledged that the preferred solution in the view of the Government was voluntary return, and that the Government therefore provided incentives for people to return to Chechnya, including humanitarian assistance and compensation for destroyed property. The Government would like to see more involvement inside Chechnya of the international humanitarian agencies, in particular with regard to reconstruction of housing.

28. These views were generally echoed by other officials with whom the Representative met in Moscow prior to undertaking his field trips to the North Caucasus. In addition, the issues of guaranteeing humanitarian access, the need for improved coordination between the United Nations and the Government, and the importance of equal access to compensation for destroyed property were raised by the Representative. Officials suggested that following his field visits to the North Caucasus the Representative should report back on concerns identified and recommend remedial actions for consideration by the Government. It was stressed that the Government would give these recommendations serious consideration.

29. On several occasions the Representative also raised the case of the head of the Swiss mission of MSF, Arjan Erkel, who had been abducted in Dagestan in August 2002. Mr. Erkel has been an outspoken advocate on behalf of the civilians affected by the conflict in Chechnya, particularly the displaced. Recent information indicated that Mr. Erkel was still alive, and the Representative strongly urged the Government to employ all possible efforts to secure his safe release. The Government took note of this, and indicated that efforts were being made in this regard.

30. The Representative was also appreciative of the discussion he had with the President of the Republic of Ingushetia, Murat Zyazikov, who reaffirmed his Republic's commitment to humanitarian principles, including the principle of voluntary return to Chechnya in safety and dignity. The discussions also touched upon the assistance provided by the United Nations agencies in the region, as well as the situation of the Ingush IDPs from North Ossetia, who, the President emphasized had been neglected.

31. During his stay in Ingushetia, the Representative visited IDPs from Chechnya residing in two tented camps - Bela camp and Sputnik camp - as well as IDPs staying in private accommodation, i.e. with

a host family, and in “alternative shelters”, including makeshift huts, tents or abandoned buildings. The IDPs, in particular those living in the tented camps, were acutely apprehensive that the camps might be closed and that they might be forced to return to a situation in Chechnya which they regarded as unsafe. While most of the IDPs confirmed that they ultimately wished to return to Chechnya, they noted that information from relatives in Chechnya and other sources indicated that it was currently unsafe to return. Many thus wished to stay until the situation improved, but were acutely apprehensive with regard to the level of humanitarian assistance and type of shelter to which they might be entitled should they decide to stay. One woman in the Bela camp said to the Representative: “How can we go back to Grozny now? We’ll be attacked every day and live in fear.” When the Representative asked another woman in the same camp what the IDPs wanted him to communicate to the authorities, she simply said, “Our only request is that we be left in the camps, and that we are allowed to choose when to return.”

32. Another specific issue of concern was the availability of viable alternative shelter should the tented camps be closed. The Representative affirmed, in unison with the United Nations Country Team and its members, that it was crucial that IDPs be given a choice of alternative shelter inside Ingushetia were the camps to be closed. Otherwise, the choice of whether to return or stay could not be considered a free one, as IDPs would have no de facto alternative to return. Furthermore, he noted that the return process was not likely to be sustainable in the long run if the choice to return was not based on a voluntary decision, including consideration of the option to remain.

33. In this context, the Representative noted the availability of some new but unused shelters built in Ingushetia by MSF, which were intended as temporary accommodation for IDPs wishing to return to Chechnya at a later stage. According to information provided by the Government of Ingushetia, the shelters could not be used to accommodate IDPs as they did not conform to certain technical building standards. The Representative visited the shelters and was struck by the stark contrast between the good conditions of the huts compared to some of the tents sporadically erected by some IDPs nearby. He urged the President of Ingushetia during the visit, and also in a subsequent letter, to seek to ensure that the Government’s technical concerns were met and that the shelters could be used by IDPs.

34. The Representative found that the United Nations programmes in Ingushetia seemed to be functioning well. Humanitarian assistance efforts focused on food aid, shelter, health, education, water and sanitation, and mine action. Another important element was the protection efforts on behalf of the IDPs, principally carried out by UNHCR. A number of protection officers and implementing partners of UNHCR were in daily contact with the IDPs to monitor their situation and identify needs and problems, and would raise these with the relevant authorities.

35. The Representative also visited the Berkat camp on the outskirts of the main city of Nazran hosting Ingush IDPs from the Prigorodnyi region in North Ossetia. Residents of the camp expressed a strong desire to return home. They explained the difficulties they had encountered with regard to repossessing their property, and urged the Representative to address this situation. The Representative also visited a number of houses being built in Ingushetia with the support of the Swiss Agency for Development and Cooperation, which were intended for IDPs who had chosen to integrate locally. The Representative was impressed by the standard and quality of the houses. However, at the time of the visit, no house had yet been handed over to an IDP, and for lack of further information the Representative was not in a position to assess the procedure for selection of eligible families.

36. In Grozny, the Representative was shocked at the level of destruction. The vast majority of buildings had been either completely or partially destroyed. There was still a considerable Russian military presence visible in Grozny and apparently also elsewhere. On the road back from Grozny to Ingushetia the Representative witnessed a large military convoy composed of what appeared to be supplies, military material and personnel. The convoy was escorted by military helicopters constantly circling overhead, apparently to provide protection against rebel attacks. He also observed a number of

military personnel conducting demining operations along the road. The Representative noted a number of reports from outside observers indicating that the security situation was still very volatile inside Chechnya. The Government, however, was of the view that the situation had considerably improved, such that it was safe for IDPs to return.

37. Returnees in TACs set up by the Government in Grozny indicated that they had not been forced to return but that they had been promised better conditions than in the tented camps in Ingushetia, compensation for destroyed and lost property, and adequate levels of humanitarian assistance. Some also emphasized that they had chosen to return as they believed they would be in a position to ensure their children's education. However, they asserted that they had not found much of what they had been promised, in particular compensation and adequate humanitarian assistance, and they remained seriously concerned about the security situation and their own safety. When discussing the security situation, the IDPs were generally apprehensive and visibly hesitant to specify their fears. Some, however, did say that they were afraid and hoped for better protection. One woman clearly stated: "The situation is not stable in Grozny. We keep expecting bombs. We are afraid."

38. Apart from the fact that the assistance to the returnees had not been forthcoming as promised prior to return, the physical conditions in the TACs visited by the Representative appeared generally satisfactory, an impression also confirmed by the returnees. Interestingly, when asked, all returnees confirmed that they would have postponed their return from Ingushetia had they had the same conditions there. Most IDPs noted that the conditions in the tented camps did not meet minimum standards, but in the absence of any viable alternative and in view of the incentives to return put forward by the Government, they had decided to return.

39. A key issue of concern raised on a number of occasions was that of compensation for destroyed property. The legislation in force at the time of the visit of the Representative provided that persons whose property had been completely destroyed in Chechnya and who, following displacement, had returned to Chechnya were entitled to approximately US\$ 10,000 in compensation. It should be noted that only persons who had actually returned were in fact entitled to apply for compensation. At the time of the visit, no such compensation had been paid, but the Representative was assured by the Government that some of the returnees were due to receive payment in the near future. The Government also noted that compensation payments had not yet been made, but would be initiated shortly. In addition, the Representative pointed out that compensation should be provided regardless of whether a person returned. The Government subsequently assured the Representative that this would indeed be the case, and explained that new legislation to that effect was being drafted. Subsequently, in February 2004, the Government informed the Representative that there were 9,600 positive decisions regarding compensation from a total of 24,900 applications, and that more than 1,700 IDPs had already received compensation. The Representative could not confirm this at the time of writing.

40. The Representative found that many international humanitarian organizations complained that they encountered administrative obstacles in their efforts to obtain access to Chechnya, and many were concerned about lack of adequate security and safety conditions for humanitarian workers. The Chechen authorities, on the other hand, called for the presence of humanitarian agencies and increased levels of assistance inside Chechnya, which they saw as a potential incentive for return. Despite the precarious security situation, they asserted that they would ensure the necessary security conditions for aid workers. Local officials in Grozny assured the Representative that many efforts were being made to ensure the return of IDPs in safety and dignity, and that humanitarian organizations were welcome.

41. In general, the Representative noted that both the local and federal government representatives with whom he met made strong statements of commitment to humanitarian principles and respect for the rights of the displaced. However, in many instances implementation of these commitments had been slowed by bureaucratic and coordination problems in addition to political obstacles. Clearly there was a

need to improve links and coordination between Moscow and the local authorities in both Ingushetia and Chechnya, in order to ensure better and more consistent implementation of the policy commitments.

42. On the side of the humanitarian and development actors, including the United Nations agencies and programmes, he also noted a strong willingness to support humanitarian efforts of assistance and protection of the displaced. Both the Government and the humanitarian and development actors, including United Nations agencies, expressed the hope that coordination could be improved. In this sense, the Representative hopes that his visit provided an opportunity to begin to discuss and address these problems, and also played a positive catalytic role in this regard.

43. Generally, with regard to the displacement situation and its relation to the conflict in Chechnya, the Representative noted during his discussions with a number of officials, as he usually does on his missions, that a crisis also presents an opportunity to address the root causes of the conflicts that generate displacement, which often lie in deeply rooted grievances and perceptions. He noted that often the challenge is to identify the elements and causes which are the key factors leading to military hostilities, in order to reach a more comprehensive and sustainable resolution to the conflict, and thus remove the causes of displacement. The goal must be to create a framework within which all citizens can feel a sense of belonging on more or less equal footing without exclusion, marginalization or discrimination based on various identity factors.

### **III. DEVELOPMENTS AND FOLLOW-UP SINCE HE SEPTEMBER 2003 VISIT**

44. At the end of his visit the Representative gave a press conference at the United Nations Information Centre in Moscow on 12 September 2003, and a press release was subsequently issued on 15 September 2003. In the press release, the Representative expressed his appreciation to the Government for the positive talks and its strong statements of commitment to voluntary return as well as the Government's expressed appreciation for the Guiding Principles. He urged the Government and the international community to enhance efforts of coordination and cooperation to support IDPs in need, and recommended a number of steps to be taken (see recommendations in section IV below).

45. Following the visit, the Representative and other actors within the United Nations system have continued to follow the situation, and to follow up on his recommendations. The Representative, through his staff, has remained in close contact with the United Nations Country Team as well as relevant organizations outside the Russian Federation. In this regard, he notes that the Government has begun to act on one of the recommendations put forward in the press release (see section IV), namely that a consultative meeting be convened to address issues of internal displacement. Indeed, the Government had been in contact with the United Nations Country Team about organizing such a meeting, initially at the working level. The meeting eventually took place on 9 February 2004. The Representative welcomes this development, and looks forward to a continued process of consultations.

46. On 17 September in New York, the Representative had the opportunity to brief the Working Group of the Inter-Agency Standing Committee (IASC), a body comprising most of the international humanitarian, human rights and development agencies, about his visit. The IASC Working Group members expressed support for the implementation of the recommendations made by the Representative, and agreed that steps should be taken in support of a strong focus on protection, including improving access and reinforcing the importance of voluntary return.

47. In September 2003, the authorities decided to close one of the tented camps in Ingushetia that the Representative had visited. Initially, the Representative was concerned that the IDPs might be in a position where the only option available would be to return to Chechnya, as no alternative shelters had been identified. The Representative remained in close contact with the United Nations Country Team,

which raised the issue with the Government, as did UNHCR publicly in a press release. Eventually, those IDPs who did not wish to return were moved to one of the remaining camps in slightly better conditions. While, as noted, the Representative welcomed the strong policy statements by the Government of its commitment to respecting the choice of IDPs whether to return, in the light of these and also more recent similar developments about the closure of certain camps, more effort should be made to provide viable alternative shelters in Ingushetia for the IDPs who do not wish to return at this time.

48. In November and December 2003, the Russian Federation appeared before two of the United Nations human rights treaty bodies charged with supervising the implementation of human rights treaties, and specific attention was given to issues of concern to IDPs. In its concluding observations of 6 November 2003 (CCPR/CO/79/RUS), the Human Rights Committee, which monitors the implementation of the International Covenant on Civil and Political Rights, noted, inter alia, that:

“The Committee remains deeply concerned about continuing substantiated reports of human rights violations in the Chechen Republic, including extrajudicial killings, disappearances and torture, including rape. The Committee notes that some 54 police and military personnel have been prosecuted for crimes committed against civilians in Chechnya, but remains concerned that the charges and sentences handed down do not appear to correspond with the gravity of the acts as human rights violations. The Committee is also concerned that investigations into a number of large-scale abuses and killings of civilians in 1999 and 2000, in the locations of Alkhan Yurt, Novye Aldy and Staropromyslovskii district of Grozny, have still not been brought to a conclusion. The Committee acknowledges that abuse of and violations against civilians also involve non-State actors, but reiterates that this does not relieve the State party of its obligations under the Covenant. In this regard, the Committee is concerned about the provision in the Federal Law ‘On Combating Terrorism’ which exempts law enforcement and military personnel from liability for harm caused during counter-terrorist operations.”

The Committee recommended that:

“The State party should ensure that operations in Chechnya are carried out in compliance with its international human rights obligations. The State party should ensure that abuse and violations are not committed with impunity de jure or de facto, including violations committed by military and law enforcement personnel during counter-terrorist operations. All cases of extrajudicial executions, enforced disappearances and torture, including rape, should be investigated, their perpetrators prosecuted and victims or their families compensated (articles 2, 6, 7 and 9)” (para. 13).

Specifically as regards IDPs:

“The Committee notes the statement by the [Russian] delegation that all persons who have returned to Chechnya have done so voluntarily. However, it also observes that there are reports of undue pressure on displaced persons living in camps in Ingushetia to make them return to Chechnya. The State party should ensure that internally displaced persons in Ingushetia are not coerced into returning to Chechnya, including by ensuring the provision of alternative shelter in case of closure of camps (article 12)” (para. 16).

The Government also handed over to the Committee a report of the Special Representative of the President of the Russian Federation for ensuring Human and Civil Rights and Freedoms in the Chechen Republic.

49. The concluding observations of the Committee on Economic, Social and Cultural Rights of 12 December 2003 (E/C.12/1/Add.94) states: “The Committee is concerned about the precarious situation of

more than 100,000 internally displaced persons from Chechnya living in Ingushetia. The Committee emphasizes in this respect its view that the closing down of tent camps without provision of alternative lodging would be in contravention of the Covenant” (para. 30).

50. In January 2004 the President of the Republic of Ingushetia, Murat Zyazikov, undertook a visit to Geneva to discuss the humanitarian situation in Ingushetia with a number of humanitarian and human rights counterparts, including UNHCR and the Office of the High Commissioner for Human Rights. Following the visit, the President publicly reaffirmed the commitment of the Government to voluntary return and also noted that there was no specific deadline for the closure of the tented camps.

51. In November 2003, the humanitarian community launched the global Consolidated Appeals for 2004, which included an appeal for Chechnya and the neighbouring republics, requesting a total of US\$ 61,923,703. To meet the needs of the civilian population, including IDPs, the aid community developed three strategic goals that highlight the dual objectives of providing relief and recovery assistance to alleviate suffering, while building the capacity of local civil society and government structures. The three goals are: (a) to enhance the protection of, and respect for, legal and social human rights of the civilian population as long as insecurity in Chechnya determines the need; (b) to help civil society groups and local NGOs gain the confidence, skills and capacities to contribute to the development of society; and (c) to support governmental structures, especially in the legal, health, education, and other social spheres, to function effectively.

52. In a positive development at the regional level, the Representative is pleased to note that the Ministerial Council of the Organization for Security and Cooperation in Europe, of which the Russian Federation is a member, specifically recognized the importance of the Guiding Principles on Internal Displacement during its meeting in Maastricht in December 2003. Decision No. 4/03 of 2 December 2003 entitled “Tolerance and non-discrimination”, noted that the Council “[t]akes into account the UN Guiding Principles on Internal Displacement as a useful framework for the work of the OSCE and the endeavours of participating States in dealing with internal displacement” (para. 13).

53. In January 2004, the Under-Secretary-General for Humanitarian Affairs, Emergency Relief Coordinator and Head of OCHA, Jan Egeland, also undertook a mission to the Russian Federation, including the Republic of Ingushetia and the Chechen Republic, which included a focus on IDPs. He reinforced the message of respecting the right of IDPs to return voluntarily and in dignity.

54. The Representative continues to remain in regular contact with the United Nations Country Team, the IASC and partners in the Russian Federation. He will continue to follow developments and stands ready to provide any support required within the framework of his mandate. He intends to provide updates in his future reports about developments in the situation.

#### IV. CONCLUSIONS AND RECOMMENDATIONS

55. **In conclusion, the Representative would like to again emphasize the consistently positive policy statements made by the Government affirming respect for the rights of IDPs, including their voluntary return in safety and dignity, and the Government’s commitment to international human rights and humanitarian law, as well as its statement of appreciation of the Guiding Principles on Internal Displacement. He remains concerned, however, at the number of reports suggesting that the security situation in Chechnya is still volatile, and not conducive to sustainable return. His own visit to the capital of Chechnya could neither confirm nor counter these claims owing to its limited scope and lack of sufficient information. However, the military presence he witnessed in the Republic suggests that the situation has not returned to normal and might not be conducive to return. In this light, he emphasizes the critical importance of allowing IDPs a completely free choice whether to return, and also the need for viable alternative shelter for IDPs outside Chechnya**

who do not wish to return for the time being. The apprehension expressed by some of the returnees in Grozny suggests that enhanced protection efforts are needed.

56. As a general recommendation, the Representative urges all actors, and in particular the Government, to give due consideration to the programme of action that emerged from the International Conference on Internal Displacement in the Russian Federation, which took place in Moscow in April 2002 and was organized by the Institute of State and Law of the Russian Academy of Sciences, Partnership on Migration, and the Brookings/SAIS Project on Internal Displacement (see E/CN.4/2003/86/Add.5), including recommendations for the Government to provide measures aimed at improving relations between ethnic and national groups in areas of integration and that its human rights bodies provide a strong oversight role, in particular with regard to addressing violations of the human rights of internally displaced persons, and that the Government guarantee that international humanitarian principles providing for the protection and safety of humanitarian workers will be respected and upheld.

57. The Representative also wishes to reiterate his seven main recommendations which he put forward at the end of his visit:

(a) First, the federal and local governments should clearly and publicly reaffirm their commitment to the right of IDPs in Ingushetia to voluntary return in safety and dignity and make their commitment to this principle known to the IDPs themselves. A clearly stated position, which is also implemented on the ground, will help not only to ensure that IDPs feel confident that they are entitled to a choice, but also facilitate cooperation between the Government and its national and international partners;

(b) Second, the Federal and local Governments should provide IDPs with complete, accurate and reliable information about the situation in Chechnya in order for them to be able to make an informed choice. This should include information on conditions of safety, the standards of housing, and the timeline for the receipt of the promised compensation. In addition, other actors, such as NGOs, should be given the opportunity also to provide information to IDPs, provided it meets the same criteria of clarity, objectivity and accuracy. The Government should further ensure that IDPs are informed about, and actually given various options of, returning, waiting in areas of displacement in dignified circumstances until conditions in Chechnya become convincingly improved, integrating locally, or seeking alternative settlement elsewhere in the country;

(c) Third, the Government should ensure that the returnees are housed in conditions of greater safety and security, in particular by providing adequate physical and legal protection in TACs as well as facilitate access to courts in cases where their human rights are violated;

(d) Fourth, the Government of the Russian Federation and the Governments of Ingushetia and Chechnya, with the support of humanitarian actors if required, should provide adequate resources to assist IDPs in accessing better temporary shelter in areas of displacement outside of Chechnya and in reconstructing destroyed or damaged properties inside Chechnya where security conditions permit;

(e) Fifth, the Government should ensure that all persons whose property was damaged or destroyed have equal and fair access to compensation regardless of whether they choose to return, and that this compensation is provided without further delay;

(f) Sixth, the Government of Ingushetia, with adequate assistance from other actors, should provide humanitarian assistance to the Ingush IDPs from North Ossetia whose conditions are no less compelling than those of Chechen IDPs, and concerted efforts should be made to identify

**durable solutions for all. The problems relating to the property in North Ossetia of IDPs should also be fairly and adequately addressed;**

**(g) Seventh, towards achieving the objective of a comprehensive response, the Representative recommends that a consultation involving United Nations agencies, intergovernmental and non-governmental organizations, the donor community and, of course, the relevant authorities be organized to seek to identify strategies to help alleviate the plight of IDPs in the Russian Federation and to enhance the coordination among different actors. He welcomes the steps already taken by the Government to move ahead in this regard, and encourages the convening of this meeting as well as sustained consultations.**

**58. In addition, the Representative urges the Government to take into consideration the concerns expressed by the Human Rights Committee and the Committee on Economic, Social and Cultural Rights, and to ensure that the human rights of the displaced, as well as those of the returnees, are respected and that perpetrators of human rights violations are held accountable and brought to justice.**

**59. Further, the Representative urges the Government to work closely with civil society, especially with NGOs working on behalf of the displaced, in responding to the situation of IDPs.**

**60. Discussions between the Representative and other senior United Nations officials and local and national authorities have made the Government increasingly aware of the needs of the internally displaced in Chechnya and its surrounding areas and the concerns of the international community. Improved strategies to address those needs should be the goal of the Government and the focus of future meetings between the United Nations, the donor community and the Russian authorities. With increased cooperation between the Government and the international community, it should be possible to achieve improved access of the displaced to basic services, greater protection of IDPs from discrimination and threats to their personal security, and the development of sustainable solutions, in particular voluntary returns in accordance with national and international standards of safety and dignity.**

**61. Ultimately, durable solutions to the plight of internally displaced persons will require that the root causes of their displacement, which are inherently political in nature, be effectively addressed. Intensification by all parties of open and constructive efforts towards a peaceful resolution of the conflicts will contribute to the identification of truly durable solutions for all internally displaced persons.**

## **Notes**

<sup>1</sup> On 20 December 1999 the Representative issued a press release on the situation in Chechnya: "Representative of the Secretary-General on internally displaced persons calls on the Russian authorities to observe the Guiding Principles on Internal Displacement", press release HR/99/121.

<sup>2</sup> The last Commission resolution was resolution 2001/24.

<sup>3</sup> Walter Kalin, *Guiding Principles on Internal Displacement: Annotations*, The American Society of International Law and the Brookings Institution Project on Internal Displacement, *Studies in transnational Legal Policy*, No. 32, June 2000.

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