



*OSCE Human Dimension Implementation Meeting 2008*

**Intervention by the Netherlands Helsinki Committee (NHC)**

**Monday, 6 October, Working Sessions 11: *Displaced persons in the Caucasus***

*Prepared by International Partnership for Human Rights (IPHR)*

Hundreds of thousands of persons have been forced to flee because of armed conflicts that have taken place in the **North and South Caucasus** regions since the fall of the Soviet Union. While some have left for other countries, others have not crossed any internationally recognized borders, and can therefore be defined as internally displaced persons (IDPs). Uprooted from their homes, and traumatized by their experiences, these persons are in a highly vulnerable position and in need of special protection. However, in many cases, they have not enjoyed satisfactory treatment by their governments.

The basic obligations of states with respect to IDPs are set out in the UN Guidelines on Internal Displacement,<sup>1</sup> the importance of which the OSCE participating States have recognized.<sup>2</sup> According to the guidelines, states have the primary duty and responsibility to provide protection and humanitarian assistance to displaced persons, including food, shelter, medical services and sanitation, and to ensure that they are granted an adequate standard of living while they are waiting for their return or another long-term solution. Moreover, states have the responsibility to establish conditions, and provide means, enabling displaced persons to return voluntarily, in safety and with dignity, to their homes, or to resettle in another part of the country, as well as to facilitate their reintegration. Special efforts should be made to involve displaced persons in decisions affecting them. Above all, states are obliged to respect and protect the fundamental rights of displaced persons without discrimination.

The recent hostilities in the breakaway region of **South Ossetia**, involving Russian, Georgian and Ossetian militia forces, had a devastating impact on civilians. Civilians were killed and injured, had their homes looted and destroyed and were forced to flee.<sup>3</sup> According to figures from the UN Refugee Agency (UNHCR), a total of 192,000 people were displaced by the conflict, out of which 127,000 to Georgia proper, 30,000 within South Ossetia and 35,000 to **North Ossetia** in the Russian Federation.<sup>4</sup> The high number of people fleeing to Georgia proper created great challenges with respect to the administration of relief efforts, and it appears that responsible authorities have not coped satisfactorily with this task in all cases, despite international assistance. There have been reports of delays in the distribution of food, hygiene items and medicine among IDPs, as well as of critical conditions in some of the facilities where IDPs have been accommodated, in particular because of lack of sanitation.<sup>5</sup> There are also concerns that displaced persons have not been properly informed about the options available to them.<sup>6</sup>

A return process is now under way, but it is expected that at least 50,000 people will remain displaced in other parts of Georgia until 2009, and that 30,000 or more of them will not be able to return in a foreseeable future because of continued safety concerns.<sup>7</sup> These numbers of long-term displaced persons add to a total of some 120,000 persons previously displaced from South Ossetia and **Abkhazia**.<sup>8</sup> These people, who have been displaced for more than a decade, remain in a vulnerable situation. Many of them live in collective centers characterized by miserable conditions, such as overcrowding and inadequate access to clean water, sanitation, electricity supplies and heating. They generally have limited employment

opportunities, and poverty and diseases are more widespread among them than among the rest of population. The children of displaced families often attend special schools of inferior quality.<sup>9</sup> The privatization of collective centers housing IDPs have in some cases resulted in forced evictions.<sup>10</sup> IDPs are also subject to social stigmatization and isolation and often suffer emotional stress because of their experiences. In an attempt to improve the situation of IDPs, the Georgian government adopted a special national strategy to this end in 2007; however, this plan still had to be effectively implemented when the recent hostilities broke out.<sup>11</sup>

Some 570,000 persons remain displaced in Azerbaijan since the conflict between Azerbaijan and Armenia over **Nagorno-Karabakh** culminated in full-scale war in the early 1990s.<sup>12</sup> Part of the IDPs were initially accommodated in emergency camps characterized by appalling conditions, which only deteriorated over time. In the last few years, these camps have gradually been closed down, and those living there have been transferred to new settlements.<sup>13</sup> While the material conditions of the new settlements are much better than in the emergency camps, it is of concern that many of them are located in geographically remote and economically depressed places, where there are few opportunities for employment. Some of them are, in addition, located close to areas where sporadic fighting between Azeri and Armenian forces take place, thus endangering the physical security of the tenants. Those accommodated in the settlements were also not granted security of tenure over their housing.<sup>14</sup>

IDPs not targeted by resettlement live, among others, in collective centers, informal shelters and abandoned apartments, where living conditions often are poor and adequate infrastructure is lacking. Cases of forced evictions have been reported.<sup>15</sup> There are generally high rates of poverty and unemployment among displaced persons, and many are fully dependant on government assistance. At the same time, restrictive registration policies still used tie displaced persons to one place to receive aid and social services, thereby limiting their right to freedom of movement and choice of residence, as well as their opportunities to safeguard their living.<sup>16</sup> Moreover, while the government of Azerbaijan has allocated considerable resources to programs aimed at improving the situation of IDPs in recent years, the impact of these efforts has been weakened by the fact that the authorities have continued to treat displaced persons as being in need of only temporary protection, despite the protracted nature of their displacement, and have failed to consult them on decision with major implications for their lives, such as the location of new settlements.<sup>17</sup>

Several thousand people remain displaced by the second conflict in **Chechnya**, within the republic (some 30,000)<sup>18</sup>, in the neighboring republics **Ingushetia** (some 13,000) and **Dagestan** (some 4,000)<sup>19</sup>, as well as in other parts of the Russian Federation (some 40,000)<sup>20</sup>. As part of the so-called “normalization” process that has taken place in Chechnya in the last few years, intensified efforts have been made to speed up the return of displaced persons to the republic, where hostilities now have quieted down but serious human rights violations continue to be perpetrated with impunity. These efforts have in many ways not corresponded to the obligation of the authorities to ensure a voluntary, safe and dignified return.

In the spring of 2006, then Chechen Prime Minister Ramzan Kadyrov publicly depicted temporary accommodation centers (TACs) for displaced persons as “nests of crime, drug abuse and prostitution” and suggested that those living there prefer to stay and receive humanitarian aid instead of earning their own living.<sup>21</sup> Chechen authorities subsequently embarked upon a campaign to close down all TACs located within the territory of the republic. This campaign has involved the use of various forms of pressure on displaced persons. They have, for example, been pressurized to sign statements that they agree to “voluntarily” return to their permanent places of residence, as a result of which their names have been struck off official lists of displaced persons and they have lost the right to assistance with respect to food and housing. There have also been raids on TACs, in the course of which displaced persons have effectively been evicted. In those cases when displaced persons have been offered alternative housing instead of accommodation in TACs, this housing has often turned out to be inadequate, such as apartments in dire need of repair or apartments already occupied by others.<sup>22</sup> Only in 2007, a total of 17 TACs, which accommodated more than 4,000 families, were closed down.<sup>23</sup> Moreover, in March 2008, the less than 10 TACs that remain in the republic were renamed

“dormitories,” which made it possible for the authorities to claim that they had achieved the objective of dismantling all TACs in the republic. Those staying in these “dormitories” were left with an unclear status.<sup>24</sup>

Attempts to pressure Chechen IDPs residing in Ingushetia to return to their home republic have continued, among others through abusive raids on IDP camps by security forces. Cases of forced evictions have also been reported from accommodation centers for Chechen IDPs located outside of the North Caucasus.<sup>25</sup>

## **Recommendations:**

*The NHC calls on the authorities of Georgia, Azerbaijan and the Russian Federation, as well as the authorities of other OSCE participating States with displaced populations, to:*

- Ensure that recently displaced persons have prompt, safe and non-discriminatory access to food, medicine and other basic necessities, as well as to satisfactory shelter meeting basic requirements of hygiene;
- Provide more long-term IDPs with housing that is adequate in terms of material conditions and infrastructure, and is located in areas where their safety is not endangered. They should also be protected against forced eviction;
- Ensure that long-term IDPs enjoy equal rights with other citizens with respect to access to employment, health care, social services and education, and make particular efforts to address problems of social exclusion, poverty and trauma among displaced populations;
- Respect the right of displaced persons to freedom of movement and choice of residence, and accordingly, refrain from any kinds of forced resettlement or return, while taking appropriate measures to enable displaced persons to, on a voluntary basis, return to their places of permanent residence, resettle in other parts of the country, or stay and integrate where they currently are;
- Properly inform IDPs about alternatives available to them regarding temporary shelter, resettlement, and return and, to as wide an extent as possible, involve them in the planning and implementation of measures affecting their situation.

*The NHC also urges the members of the OSCE community to:*

- Continue to support the efforts of the authorities of Georgia, Azerbaijan, the Russian Federation and other countries to assist displaced persons, and to facilitate their return and resettlement. When doing so, they should emphasize the importance of ensuring that all measures employed are consistent with the international obligations of the respective governments and with respect for the dignity and rights of those affected;
- Continue to press for political settlements of the different conflicts in the Caucasus, and for measures to guarantee the security of displaced persons who return to conflict-affected areas, in particular by insisting on accountability for serious violations of human rights and humanitarian law perpetrated in connection with the conflicts.

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<sup>1</sup> *Guiding Principles on Internal Displacement* (E/CN.4/1998/53/Add.2) presented to the UN Commission on Human Rights in 1998, available at <http://www2.ohchr.org/english/issues/idp/standards.htm>

<sup>2</sup> *Maastricht 2003, Decision No. 4/03 on Tolerance and Non-Discrimination*, point 13.

<sup>3</sup> See *Statement of the Moscow Helsinki Group on the Armed Conflict in South Ossetia and Georgia*, at <http://www.mhg.ru/english/B93C909>; and Human Rights Watch, “Russia/Georgia: Investigate Civilian Deaths,” 14 August 2008, at <http://www.hrw.org/english/docs/2008/08/13/russia19620.htm>, and “Georgia: International Groups Should Send Missions,” 18 August 2008, at <http://humanrightswatch.net/english/docs/2008/08/17/georgi19633.htm>

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- <sup>4</sup> UNHCR, "Georgia: Internal displacement estimate rises," 12 September 2008, at <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=48ca3d5f2>
- <sup>5</sup> Reports published by the Georgian Human Rights Center, August-September 2008, at <http://www.humanrights.ge/>
- <sup>6</sup> Council of Europe Commissioner for Human Rights, *Human Rights in Areas Affected by the South Ossetia Conflict, Special Mission to Georgia and the Russian Federation*, 22-29 August 2008, at [http://www.coe.int/t/commissioner/WCD/latestDocuments\\_en.asp#](http://www.coe.int/t/commissioner/WCD/latestDocuments_en.asp#)
- <sup>7</sup> UNHCR, "Georgia: Internal displacement estimate rises."
- <sup>8</sup> This figure is from the UNHCR (see previous footnote). The Georgian government used an estimate of 247,000 displaced persons in early 2007.
- <sup>9</sup> Internal Displacement Monitoring Centre, *Georgia: New IDP strategy awaits implementation*, October 2007, at [http://www.internal-displacement.org/8025708F004BE3B1/\(httpInfoFiles\)/F1D28E18F4A46E79C1257371002B73CC/\\$file/Georgia\\_Overview\\_Oct07.pdf](http://www.internal-displacement.org/8025708F004BE3B1/(httpInfoFiles)/F1D28E18F4A46E79C1257371002B73CC/$file/Georgia_Overview_Oct07.pdf)
- <sup>10</sup> *Concluding observations of the Human Rights Committee on Georgia*, 15 November 2007, at <http://tb.ohchr.org/>
- <sup>11</sup> Internal Displacement Monitoring Centre, *Georgia: New IDP strategy awaits implementation*.
- <sup>12</sup> This figure is from the government of Azerbaijan, April 2008.
- <sup>13</sup> Information from the Human Rights Center of Azerbaijan; UNHCR, "Azerbaijan closes last of emergency camps," 7 February 2008, at <http://reliefweb.int/rw/rwb.nsf/db900SID/AMMF-7BLJKF?OpenDocument>
- <sup>14</sup> Internal Displacement Monitoring Center, *Georgia: New IDP strategy awaits implementation*.
- <sup>15</sup> Ibid.
- <sup>16</sup> Amnesty International, *Azerbaijan: Displaced then discriminated against -- the plight of the internally displaced population*, June 2007, at <http://www.amnesty.org/en/library/asset/EUR55/010/2007/en/dom-EUR550102007en.html>
- <sup>17</sup> Ibid.
- <sup>18</sup> Figure from Memorial, October 2007 (see footnote 22 below).
- <sup>19</sup> Figures from Danish Refugee Council, July 2008.
- <sup>20</sup> Figure from UNHCR, 31 December 2006.
- <sup>21</sup> *Caucasian Knot*, 19 April 2006, <http://www.kavkaz-uzel.ru/>
- <sup>22</sup> Memorial Human Rights Center Migration Rights Network, *On the Situation of Residents of Chechnya in the Russian Federation*, October 2007, at <http://www.memo.ru/2007/12/19/1912071eng.htm>
- <sup>23</sup> *Caucasian Knot*, 9 July 2008.
- <sup>24</sup> *Caucasian Knot*, 14 March 2008; information from Memorial Human Rights Center.
- <sup>25</sup> Memorial Human Rights Center Migration Rights Network, *On the Situation of Residents of Chechnya in the Russian Federation*.