

On anti-Georgian campaign launched on the territory of Russia

*Memorial Human Rights Center
The Civic Assistance Committee*

Summary

The beginning of October 2006 was marked by an anti-Georgian campaign launched in many regions of Russia.

The information and documents we obtained from people turning to us for help, from public associations and governmental departments testify to the fact that this campaign is sequent to the statements of the countries' leaders concerning the problems of Russian-Georgian relations and inner political problems interpreted in a certain way.

These statements were perceived locally as a guide to action, namely to the organization of persecution of representatives of Georgian nationality.

Georgian citizens or just ethnic Georgians are subjected to unlawful mass checks of observance of regime of sojourn on the territory of the RF, legality of labor activity, of setting up of small, medium or large-scale, though more rarely, business. As a result of the selectivity of the measures taken against the above-mentioned category of people, even when these mass measures are conducted in accordance with the Federal Law of the RF "On legal status of foreign citizens", they acquire a nature of persecution on nationality grounds, which is inadmissible.

However, as a rule, checks are carried out with a lot of violations. Activity of small-scale and medium-scale business is ceased, if ethnic Georgians work there, visas legally issued to Georgian citizens are nullified, their registration at a place of sojourn or residence is not prolonged.

People are detained right in the street, they are gathered in large groups and delivered to courts, where decisions on administrative penalty with expulsion beyond the territory of Russia are made in accordance with preliminary agreement with the courts, with no lawyers and without the court's looking into the circumstances, all the procedure takes just a few minutes. Often people, subjected to these measures, are not admitted to the trial room, the detainees are kept in corridors or even in cars in which they were delivered there. Courts don't consider the circumstances of the cases they are deciding carefully, ignoring both the fact that a person might be married to a Russian citizen, might have a family and children who grew up in Russia and have Russian citizenship, and the fact that those to be expelled have not committed any offences.

Former residents of Abkhazia, who arrived in Russia in 1992-1993 in connection with the armed conflict, have found themselves in an especially hard situation. They cannot return to Abkhazia and have no real alternative of settlement in Georgia.

Fear is reigning among representatives of Georgian nationality residing in Russia. This atmosphere is supported by a lot of anti-Georgian materials in mass media, first of all on TV. At the instruction of militia, some schools and higher education establishments make up lists of students with Georgian, or looking like Georgian, names; students are questioned about what their parents do. Cases of withdrawal of works of Georgian authors from trade are reported.

Temporary accommodation centers for foreign citizens to be expelled are overcrowded. Detention conditions can not be considered satisfying: poor nutrition, narrowness, lack of the necessary sanitary conditions and medical assistance, absence of access to legal assistance – in international standards these conditions are equated with the use of torture towards the detained.

Selective persecution of a certain group of people of this kind, which represents inadmissible discrimination, can by no means be regarded as lawful means of fighting illegal migration and all the more, can not serve for establishing order in this sphere, where as a result corruption is increasing.

It is inadmissible to use the foreign policy situation between the states to organize baiting of the citizens of these countries or of certain ethnic groups.

Anti-Georgian campaign negatively affects the relations between our countries, harms the image of Russia, exercises destructive impact on independence of judicial system, and most importantly, allows for arbitrariness, ruins people's lives, breaks up families, destroys their economic foundation.

Description of the situation

Reception rooms of social associations assisting refugees and migrants are crowded with visitors of Georgian nationality. Daily we receive information about yet another person to be expelled, about ruined companies, seized passports and denaturalization of those who have already managed to obtain citizenship.

The Civic Assistance Committee conducts reception till 11 or 12 p.m., unable to cope with the a great number of visitors. We receive information on organized anti-Georgian campaign from legal counselling points of the "Migration Rights" Network of the "Memorial" Human Rights Center from many regions of Russia.

This campaign first of all affected Georgian refugees from Abkhazia.

It is worth reminding that refugees from Abkhazia, who appeared in Russia in 1992-1994, represented a second large wave of refugees after Armenian refugees from Baku. According to the statistics of Georgian consulate there are about 50 thousand of them in Russia, with 30 thousand of them residing in Moscow. Unlike refugees of the first wave, they didn't receive any governmental support: not a single state structure dealt with them, they were not registered, or provided with accommodation or humanitarian aid. The matter is that having received refugees from Baku, Russian authorities actually stopped accepting refugees. The number of people declared refugees has been going down and by now has reached a trifling number of 409 people.

It is noteworthy that Abkhazian refugees never asked for any support from the state, but for legalization. In most cases they don't think that somebody owes them something, they rely only on themselves.

Most of them, regardless of their professions and personal inclinations, went in trade and small-scale business. It was the only sphere where it was possible to work without registration (a permanent one) and at the same time earn enough to rent apartments and satisfy basic needs. Very few of them managed to buy apartments. Some purchased worthless housing in the province to draw up permanent registration there and obtain Russian citizenship. But most of them still have no housing of their own, no registration, no citizenship.

However, before the visa regime with Georgia was introduced and the law "On legal status of foreign citizens" was adopted in 2002, refugees were residing in the RF legally. Just like all other citizens of the CIS, they were registered in bodies of the interior in accordance with the rules applying to the RF citizens as well. In case of absence of registration they could only be fined, they could not be expelled.

In 2002 their situation changed drastically: people who had already been living in Russia for 9 or 10 years suddenly became illegal migrants. The law on "Legal status of foreign citizens" did not contain any transitional provisions which would help hundreds of thousands of people from the former USSR countries residing in Russia without Russian citizenship to legalize.

At the same time the new Administrative Code created a primitive mechanism of expulsion of foreign citizens for violations of the rules of residence, that is for the absence of registration. Thus, after the adoption of these laws, most of Abkhazian refugees found themselves threatened by deportation, but until now this threat was only realized in a few cases.

Code for Administrative Offences provides for expulsion of a foreign worker in case of illegal labor activity as well, just like for the absence of registration. At that it is almost impossible for foreign citizens to get fixed up for a job legally. The procedure for hiring foreign man power in Russia practically excludes an opportunity of legal employment. To obtain a work permit a foreign citizen or a stateless person should find an organization which is authorized to hire foreign workers. The procedure of issuing these authorizations includes a complicated system of coordination, demands time and financial inputs from an employer. Profit from the use of illegal labor considerably exceeds the damage an employer might suffer in case he is brought to justice. That is why there are very few organizations authorized to employ foreign man power.

Thus by the time the anti-Georgian campaign began repressive mechanism against foreign citizens had already been created. This mechanism was certainly not designed as specifically anti-Georgian, it just served as a bright manifestation of the spirit of xenophobia which characterizes our political regime.

At the beginning of October the sign was given, and complaisant executors plunged into the battle. The key word for this campaign is "deportation" (the Code for Administrative Offences calls it expulsion). People turning for help to NGOs are panic-stricken. They are afraid of deportation. And they have enough reasons for that. Dozens of Georgians, whom the court decided to expel, are delivered to temporary detention centers for those to be deported.

Militia detains groups of Georgians and delivers them to courts. Those to be expelled are left in corridors, and sometimes right in the police car. The militiaman goes for a negotiation with a judge and returns with a heap of decisions on expulsion. Often the victims themselves don't get even a copy of the decision, and hence are deprived of the right not only to protect themselves, but also to appeal against the decision on expulsion.

At that the presence of a visa and registration doesn't prevent the authorities from expelling a person. Visa is nullified, term of registration is shortened or registration is not prolonged in case of expiry, and sometimes passports with a visa and a registration are simply torn to pieces. Judging by a great number of stories about torn passports such a measure was evidently secretly allowed to the militia. An elderly refugee told that militia officers made him get in their car, threatened with deportation, let him go when they saw his Soviet passport, but tore the passport emphatically, using insulting words.

If the authorities fail to deport a person for absence of a visa or registration, they deport him for illegal labor activity: either for real one (seizing people at the counters or working in the kitchen), or just grabbing a person driving a car. One of the visitors told that his son was sentenced to expulsion, because he was driving in a car with his fiancée. He was taken for an illegal taxi driver.

The courts deliver decisions in a great haste, in some of them year of birth, sex or even a deportee's name is incorrect. When we visited Center # 1 of the Chief department of Interior affairs (GUVd) of Moscow we discovered a decision on expulsion of mister X, at that in the middle of the decision it was indicated that mister Y plead guilty. It is obvious that the name of the previous person to be deported was not everywhere replaced for a new one in a standard form.

Among the people waiting to be deported in detention centers were those who stated they have Russian citizenship or who were stateless persons – they were all waiting to be deported to Georgia.

One of the deportees, an 18-year-old son of a Russian citizen, recently graduated from a school in Moscow. He was brought to Russia when he was five and does not speak Georgian. According to his words, he was detained in the street together with his mother, a Georgian citizen, and immediately taken to court, where they were not let to put in a single word. His mother is waiting to be deported in the Center for women, while his father is frantically looking for some relatives who could accept his family in Georgia.

Everyone is earnestly recommended not to lodge appeals, "or things might get worse for them", no one has the decision of the court in their hands. Fear prevails over the wish to protect one's rights.

The Center is overcrowded, nutrition is poor. But detention conditions in Moscow are much better than in other cities.

We'll cite a description of a detention center for foreigners in Saint-Petersburg, made by our "Migration Rights" Network lawyer Olga Osipova:

«Mister Z was detained near his house for a documents check on ethnic grounds; was delivered to a police department, and then to the Nevsky court. He asked for a lawyer, but was not provided with one. He was told they can only offer

him a lawyer for 700 dollars. He didn't have this money, the trial lasted 3 minutes, he was made to sign a paper and his identity was verified, neither his fault, nor other circumstances were ascertained, as well as whether he was ready to leave the country voluntarily. After that he was brought to a reception and detention center, put in a cell with 3 other people. In three days he was fed once. The detainee's stomach was aching, the doctor was not sent for. One day later a man bringing food gave him a pill without any package saying "for your stomach". Food was uneatable, the lunch consisted of just bread and tea. Complete informational isolation, shower – once in two weeks. There is no table in the cell, there is an electric lamp. The lavatory is right in the cell, food is given through a widow in the door, detainees are not provided with paper or pens. There are no mattresses, no linen. No walks».

According to some information, the organizers of the campaign have issued instructions not to touch refugees.

But first of all a simple militia officer is unlikely to be able to tell a refugee from a non-refugee, since no one has a status. The main principal militia is guided by is the presence of a Georgian passport: Georgians with old Soviet passports issued in Abkhazia should not be touched, while Georgians with new Georgian passports should be deported. But many refugees do have Georgian passports. And these are the refugees who undertook steps to get legalized. They received Georgian passports in Russia to try and start the legalization process, which was impossible with the obsolete old Soviet passports.

Secondly, even if there is such an instruction not to touch refugees, it is not followed very strictly, as the militia employees know: they will be punished for the non-fulfilment of the deportation plan, while they won't, if they deport a wrong person. They understand that the main target of the campaign are Georgians, and they are not inclined to go deep into the situation of each of them. That's why both refugees, Georgians with Russian citizenship, Georgians-citizens of third countries, for instance, Azerbaijani citizenship, fall victims of the campaign.

For labor migrants expulsion is just a deprivation of earnings, breach of their life plans, breakup of people's connections, but still this is not a tragedy. While for refugees who have been living in Russia for many years, who found their home here, who lost whatever ties with Georgia, expulsion turns into a real tragedy. Mostly these are men who are expelled – families lose their bread-winners. An almost helpless woman on crutches turned for help to the Civic Assistance Committee. Her husband was forced to agree to the decision on expulsion by way of a deception – he was promised he would have time to pack and leave. However, having secured his consent, the militiamen locked him up in the detention center and then deported to Georgia. The woman could not leave with him and stayed with no livelihood.

Persecution is not limited to expulsion.

The work of the shops of a family who approached the Civic Assistance Committee was ceased. The husband had a residence permit, and two small shops were owned by his wife and two children – Muscovites. The reason for the

militia's close attention to the family was the husband's Georgian name, on whom their small family business fully depended. The family stayed with no livelihood, as they had to spend all their savings to prevent the complete destruction of their shops.

A Ukrainian citizen, son of a Russian citizen, studying in Moscow was detained at home while his mother was out. The only reason for his detention was his Georgian name. He was not expelled, but the parents, scared by the way the militia treated their family, took the son away from Russia.

The family of quite a large businessman left Russia in October. After insulting and biased checks, to which he was suddenly subjected everywhere, the businessman liquidated his business in Russia in a week and moved to the West.

During ten days the lawyers of the "Migration Rights" network were approached by more than 10 applicants, whom the lawyers helped to ascertain Russian citizenship. By way of surveillance all these decisions were cancelled and passports declared invalid. The lawyers help hundreds of the former USSR citizens residing in Russia since the Soviet times with no permanent registration to ascertain Russian citizenship. Only Georgians were subjected to this kind of denaturalization.

High-rank officials from the Federal Migration Service and the Ministry of Interior state they gave no instructions concerning this kind of actions towards Georgians.

However, the lawyers of "Migration Rights" Network from various regions report having seen instructions containing all the demands determining the anti-Georgian madness at the bodies of the interior at their place of residence. These instructions were sent down from Moscow. Among the demands described above are checks in establishments, higher educational establishments, schools and kindergartens. We receive the information about such checks from everywhere.

Below are the extracts of the instructions the lawyers managed to cope.

Despite complete inanity of what is happening, the campaign is continuing, and as is known, has already led to human victims.

Mass violations of law in the course of delivering decisions on expulsions and deportations.

The employees of our organizations from various regions of Russia inform of the orders in accordance with which anti-Georgian campaign is carried out. Some sources show that these orders were sent down from Moscow, others – that they were issued locally and formulated at the discretion of the local authorities.

In particular, mass "combing-out" of the territory from ethnic Georgians in Saint-Petersburg and the Leningrad region is carried out in compliance with the secret order of the GUV D № 0215 of 30.09.2006.

GUV D of Saint-Petersburg and the Leningrad region has sent round to their units the demands in accordance with which they are obliged to report the number of Georgian citizens having perpetrated various offences in a special form. In particular, they are demanded to *indicate «the number of the following items seized from Georgian citizens*

- *ammunition*
- *arms*
- *drugs (in grams)*».

Despite the fact that so far we haven't received any complaints concerning the planting of arms and drugs, we might expect it will happen in future. Such a campaign was very broad towards Chechens in 1999 - 2002.

The GUVD units are also demanded to *«conduct... large-scale measures to detect and deport the maximum number of Georgian citizens illegally staying on the territory of Russia.*

Also in the course of the courts' considering the cases on violations of the rules of sojourn of foreign citizens to initiate decisions ONLY to deport the above-mentioned category of citizens with preliminary detention in reception and detention center of the GUVD.

The realization of these measures is approved of by the Saint-Petersburg and the Leningrad region Department of the Federal Migration Service, and the delivery of decisions is coordinated with the court of Saint-Petersburg and the court of the Leningrad region.»

(Copies of the documents are attached.)

Among the demands enumerated the statement concerning the coordination of decisions in cases on expulsion of Georgian citizens with judicial bodies appears most appalling. Agreements of this kind deprive legal proceedings of any sense and exercise a destructive impact on the judicial system.

The measures conducted are taken with serious violations of the norms of Russian and international law.

1. Documents checks are carried out for no reasons – on ethnic grounds in defiance of article 136 of the Code for Criminal Procedure, banning discrimination and breach of equality of citizens.

2. Checks are carried out by non-authorized persons. In accordance with article 23.3 of the Code for Administrative Offences checks should be conducted by the heads of departments of interior affairs or their deputies, as well as employees of the passport and visa service, but not the employees patrol and sentry service.

3. In departments of interior affairs terms of detention with no report (which is 3 hours in accordance with article 27.5 of the Code for Administrative Offences) and detention without a court's decision (48 hours in accordance with article 22 of the RF Constitution) are violated.

4. Agreements between judicial and law enforcement agencies seriously violate the principle of independence of judicial power, provided for by article 120 of the RF Constitution.

5. Courts don't look into the circumstances of each case on administrative expulsion, those to be expelled don't have any opportunity to realize their procedural rights (articles 25.1, 25.5, 25.6, 25.8, 25.10, 26.1-3 of the Code of Administrative Offences), and their right to appeal either.

Decisions are taken on the basis of the agreement between the law enforcement agencies and courts. Thus not only all the principals of legal proceedings are

violated, but also article 6 of the European Convention of Human Rights and Fundamental Freedoms.

6. Detention conditions of the detainees might be equated with tortures (article 3 of the European Convention of Human Rights and Fundamental Freedoms).

Recommendations.

1. To declare anti-Georgian campaign waged in Russia inadmissible and to appeal to Russian authorities to immediately take all the necessary measures to stop it (to the EU).
2. To demand giving publicity to all the documents on the basis of which mass persecution of residents of Russia for nationality grounds is conducted. (to the EU).
3. To conduct the checks of the decisions on expulsion of Russian courts by way of supervision, providing the fulfilment of all the procedural rights of persons in relation to whom these decisions were delivered. (to the RF).
4. To restore the rights of persons who suffered in the sphere of business. (to the RF).
5. To apologize to RF residents of Georgian nationality and Georgian citizens for the damage and insults they suffered. (to the RF).