

Review Conference 2010, Warsaw, 30 September - 08 October 2010

Finnish-Russian Civic Forum

Working session 6
Humanitarian Issues and Other Commitments

Situation with asylum-seekers from Russian Federation

Ladies and Gentlemen,

I appreciate the opportunity to raise a few of the problems that asylum-seekers from Russia face while asking for protection owing to fear of persecution on protected grounds. Protected grounds include race, nationality, religion, political opinions and membership and/or participation in any particular social group or social activities.

In the case of the Russian Federation cases of people trying to flee the native country seeking asylum abroad vary from residents of the violence-affected North Caucasus to people involved into political, social, human rights or even cultural activities which the authorities interpret as dissenting.

1. Since the beginning of the war conflict in Chechnya thousands of its residents have fled their war-torn native land.

By now the authorities of Russian Federation have managed to create the virtual Chechnya of the reconstructed Grozny which shadows the reality of enforced disappearances, torture and illegal detention. In order to better visualize the fake picture, they need to have all escapees back home.

2. Now it is people from Ingushetia who are joining Chechens in search for protection. It started already in 2004 after massive punitive actions had been launched in the republic. By now armed confrontation between militant groups and Ingush authorities has reached the level when anyone could be targeted with arbitrary actions by force agencies on a mere assumption of a person being linked to militant groups. Civilian population is trapped even further more, due to criminal terrorist actions by members of militant groups acting in the territory of the North Caucasus.

Recent acts of terrorism in Vladikavkaz left 19 dead and more than 200 injured. The Ingush armed resistance has claimed their responsibility for carrying out this criminal offence against civilians.

It has resulted in a splash of ethnic animosity towards the Ingush population from among residents of the North Ossetia. Ethnic tension between the two peoples has never ceased after the massacre of 1992. Many Ingush people have remained displaced up to now. The attempts to

reconcile the people of North Ossetia and Ingushetia which representatives of civil societies of the two republics have undertaken can be to no avail, due to activities of those who are inclined to further escalate the conflict.

The situation is complicated even more with the reality of no act of terrorism perpetrated in various regions of Russia being properly investigated.

Thus, the number of people trying to flee the area remains steadily high whereas their chances of positive response to their application for asylum in Europe have drastically diminished, due to due to the change in attitude towards them in a number of European states.

The situation in Poland

Poland still remains a gateway for refugees from the North Caucasus to enter Europe. One reason is the easy access to the Polish territory compared to other areas also bordering the Russian Federation. Thus, Poland, in accordance to Dublin II Agreement, has got the responsibility to give shelter to a vast majority of Chechens. At that, Poland lacks resources to handle the refugee problem. She is not able to provide the refugees with economic, social, educational and health care services. With the adoption of a new law on refugees in May 2008, it has become easier asylum-seekers from the North Caucasus to get the so-called tolerated status in Poland. At that, it can't solve refugees' problems as it is hardly possible for them to find work and accommodation without knowing basic Polish which is impossible to learn being forced to leave a refugee center within one month after granting the status of tolerated stay.

General hostile attitude to foreigners and refugees in Poland when "outsiders" are rejected by both house-owners and employers remain the additional but crucial factor of the tough reality of a refugee's life in Poland. On September 25, 2009 two Chechen women, Ayzan Nukaeva and Larisa Ismailova, were attacked by a man with a hood on his head. The attack was registered by the police. No investigation followed, though. The families left Poland for Finland where they asked for protection. Their request was turned down and they were sent back to Poland as the Dublin II Agreement requires. Being not able to feel safe in Poland, both families moved to another European state.

The family of another Chechen refugee in Poland, Ruslan Suleymanov, shared the same fate. They moved to Finland after their underage daughter was attacked by three Polish lads in daytime. At that, already before the time of the attack, the family had been often subjected to insults and threats from had been trying not to pay attention to hardships and insults which the family had been subjected to before. Their numerous complaints submitted to the police had been ignored. After one sympathizing policeman told the head of the family to better move out of Poland, the family went to Finland. Despite the fact that the family provided all the proofs of being subjected to violence, threats and police negligence, the Finnish migration authorities rejected their protection request. Being returned to Poland, the family immediately left it for another European state.

European states sending refugees back to Poland should be also aware of the fact that often people returned there cannot live in normal refugee centers. Many of them are put in a kind of special prison. In our knowledge, there are six closed centers for refugees in Bialostok, Lesznowda, Szczecin, Suwalki, Biala Podlaska and Pnemyk. Due to the fact that these closed institutions are not under management of the Bureau of Organization of Centers for Aliens applying for refugee status which is a unit of Office of Foreigners, it is necessary to ask Ministry of Justice for a permission to get access into them. According to refugees, conditions created in all those centers are extremely harsh.

The situation in Lithuania

In Lithuania, situation of refugees from the North Caucasus started to become worse since the last months of 2008. According to numerous testimonies of people, who resided in Lithuania but had to move out to other European states, their decision was mostly influenced by a hostile attitude towards people from the North Caucasus from law-enforcement agencies as well as aggressive anti-Chechen propaganda campaign that has been developing in a number of Lithuanian media outlets, including the national newspaper "Lietuvos Rytas". Another factor stated by former refugees in Lithuania was refusal to prolong or even cancel residence permits for refugees taken by migration authorities. Like in Poland, Lithuanian migration authorities mostly use "Russia's" argument of "life being normalized in Chechnya".

One of the most indicative cases of such hostile attitude is the situation of the Gataevs family and the "Rodnaya Semja" orphanage which they ran since 1996 until their detention in Lithuania in 2008. Gataevs had to leave Lithuania in September 2009. They have applied for political asylum in Finland as a result of a protracted and rigged court process during which they were convicted of protection racket and applying physical and psychological violence on to the young adults of their family, as well issuing death threats and inflicting light bodily injury on the young adults. The Kaunas branch of the Lithuanian State Security Department was heavily involved in the Gataev case ever since the arrest of Khadijat and Malik Gataev. The pre-trial investigation and trial process was characterized by a close cooperation between the SSD and the Kaunas District Prosecutor's Office in the application of arbitrary measures. The SSD initially blocked any access to the Gataev orphanage and kept it under strict surveillance; later it carried out several raids in the homes of Gataev relatives and supporters in Kaunas. The young adults of the orphanage were subjected to psychological pressure by the SSD and were forced to report and cooperate with the SSD agents, which resulted in some of them testifying against their foster parents. The prosecutor in charge of the case and SSD later put pressure on those young adults who were first considered victims in the case but changed their initial negative testimonies in defence of their foster parents.

On 23 March 2010, The Supreme Court of Lithuania overturned the judgment of the Kaunas District Court passed on 25 September 2009 which extended the imprisonment of Mr. and Mrs. Gataeva to one year and six months, stating that appeals court had failed to examine the case

impartially and comprehensively and pass a fair judgment on it. The Supreme Court demanded a repeated hearing at the appeals court.

However, the pressure exerted by Lithuanian law enforcement bodies, mainly the SSD and Criminal Police, on the Gataev family and friends abated neither before nor after the Supreme Court ruling.

We are also expressing our serious concern with the fact that Lithuanian responsible bodies of power, including SSD, prosecutor's office as well as journalists developing the staged defamation campaign against Gataevs have not stopped their activities until now. Already after the Supreme Court had overturned the judgement of the Kaunas district court, another civil court suit against Gataevs was initiated. Now they are attempting to take revenge on Gataevs by depriving Malik Gataev from the custodian right over his foster children who are currently living in the orphanage in Vilnius.

The above-mentioned episodes indicate that instead of respecting the Supreme Court's demand for a repeated comprehensive and impartial hearing of Gataev case at the appeals court the SSD and Kaunas Prosecutor's Office are continuing their practices of harassment and intimidation of the Gataev family through applying unwarranted, forceful measures and thus precluding their fair treatment within the Lithuanian system of justice. It is highly likely that Mr. and Mrs. Gataev will continue to be subjected to similar treatment, should they be denied political asylum in Finland and extradited to Lithuania.

We are expressing our concern with alarming politicization of the Lithuanian State Security Department, of which the Gataev case is but one tragic example. According to the Lithuanian MEP Leonidas Donskis, over the last two decades, the SSD has turned into "a state within the State", insufficiently controlled by the legislative and judiciary branches. It is in fact the SSD management that should be brought to justice, to prevent further abuse of law and excess of authority, to which the Gataev family and many other residents and citizens of Lithuania have fallen victim".

While it is the duty of the Lithuanian state to redress the given systemic problems, a firm stance of other European Countries in favour of human rights and freedoms might help to sooner achieve the overdue changes, vital for the whole European Union.

Situation with providing protection from persecution in a number of other OSCE member states.

Finland still remains one of the few positive examples of refugee-friendly attitude in Europe. The problem which refugees are facing there is Dublin II Agreement under which people are returned to the countries of their first entry. At that, there have been a number of cases when people turning to Finland for protection after having been registered as asylum-seekers in Poland have been given positive decisions on humanitarian grounds.

We have received numerous reports from Sweden, Norway, Austria, France and Germany that their migration authorities are also rejecting the majority of asylum requests from people coming from the North Caucasus. Whereas in the majority of cases they relate their grounds to the Dublin II Agreement, there have been cases when the argument of “normalization” of the situation in the North Caucasus is used more and more often. It should be understood that when Chechen and Ingush families are sent back to such countries like Poland or Lithuania, people will find them in real danger of being turned in to the Russian Federation.

In some cases we have reliable information on growing fear in Nokh diasporas abroad with regard to free hand that FSB and Kadyrov’s agents are enjoying in such countries as Poland, Lithuania and Austria. In the case of Austria, the Ministry of the Interior has accepted counseling services from the FSB senior, former Chechen Minister of the Interior Said-Selim Peshhoev.

We would propose that practice of application humanitarian grounds for people seeking shelter in various countries of Europe after having entered EU via Poland, Lithuania or Slovakia be applied at a broader scale. It is extremely important to ensure that respective migration authorities develop close cooperation with civil society groups through which it is feasible to check information and establish cases of people in need of protection.

Reprisals against the civic society in Russian becoming harsher, Europe is now having a growing number of asylum-seekers from Russia seeking protection because of politically motivated persecution in their home country.

The case of Oleg Mavromatti in Bulgaria.

In Bulgaria, a Russian artist Oleg Mavromatti is deportation to Russia where he will be put on trial and faces from 3 to 5 years in prison for the crime he never committed. On September 8th, 2010 Oleg Mavromati, currently living in Bulgaria and the US, was refused renewal of his Russian passport by the Consulate of the Russian Federation in Sofia, on the grounds that Mavromati has been avoiding trial in the Russian Federation for the performance he made in 2000. As Mavromatti lost the right to have Bulgarian residence permit, due to invalidity of his Russian passport, he has now become a paperless resident in Bulgaria which is likely to result in his deportation. We are turning to the Bulgarian authorities with the request to consider Mavromatti’s case more thoroughly, renew his permanent residence permit and ensure his right for protection.

Unfortunately, this is not the isolated case. Amnesty International has already expressed their concern with the tendency to persecute artists and exhibition curators for their activity. Some of them have already found protection outside Russia like it happened with Oleg Yanushevskiy who has got asylum in the UK and Avdey Ter-Ogonjan who is currently a refugee in the Czech Republic.

The situation with people seeking asylum in Ukraine due to politically-motivated persecution in Russia.

We appreciate that in recent years Ukraine has granted political asylum to a number of people from Russia who were subjected to politically-motivated persecution.

At that, there are recent reports that authorities are starting to refuse asylum applications on the ground that their situation is not that dangerous as they are describing. We have to ask Ukraine to better cooperate with Russian human rights groups who can provide detailed information on some particular cases of people seeking asylum in Ukraine because of charges of extremism.