

# Safety of Chechen asylum seekers in Poland.

---

*Report by Annemarie Gielen, Pax Christi Flanders, with the assistance of Bart Staes, MEP Greens/ALE, An Maes, Belgian Refugee Council, and Imran Ezheev, special advisor of Bart Staes on Chechen asylum seekers in the EU – Dec. 2011*

*Based upon the fact-finding mission of 12-15 September 2010*

# I. Introduction

## 1. Purpose of the Mission

Purpose of the mission was to assess the situation of Chechen asylum seekers in Poland, as on average Belgium received 58 asylum seekers every month from Poland, mostly Chechens<sup>1</sup>, in 2010. Poland was therefore the EU country from which Belgium received most asylum seekers<sup>2</sup> in a Dublin Regulation context.

Many of these asylum seekers come to Belgium with complaints about the low recognition rate according to the 1951 Geneva Convention, complaints about poor medical and public aid, about racism and the lack of respect from Polish officials and Polish society, and with complaints about safety. Most Chechen asylum seekers believe there is a close cooperation between the Polish asylum bodies and the Russian authorities (including Chechen authorities of Grozny). There are even records of people working for Ramzan Kadyrov (the current “president”<sup>3</sup> of the Chechen Republic) actually threatening Chechen asylum seekers on Polish territory. Our purpose was to verify all these complaints. Apart from this, contradicting information on the situation of asylum seekers in Poland, received on the one hand by the Polish and Belgian authorities, and on the other hand by the asylum seekers themselves and Polish and other NGOs, was a further reason to conduct this mission.

During this mission, we succeeded in having an extensive meeting with the first level of the Polish asylum administration, UdSC<sup>4</sup> or Office for Foreigners. The meeting was chaired by the General Director of the Office for Foreigners, Mr. Arkadiusz Szymanski. We had the chance to listen to presentations and to exchange ideas with the doctor coordinating medical assistance for asylum seekers, the Head of the Country of Origin Information Unit, the Head of the Polish Dublin Division, a staff member of the Social Benefits Unit and a staff member of the Refugee Status Determination Unit. Furthermore, we visited several reception centres<sup>5</sup> and a guarded centre annex detention centre for foreigners for the purpose of expulsion (with very prisonlike conditions) close to the Belarusian border<sup>6</sup>. In the open reception centres, we talked to the directors, the social assistant (if such a role existed), the psychologist (if there was a psychologist) and the asylum seekers themselves. We were allowed to walk through the premises. Some of the asylum seekers we met, had been sent back to Poland by Belgium under the Dublin Regulation.

---

<sup>1</sup> These data are based on Eurodac figures communicated by the director of asylum of the Immigration Office in Belgium on a monthly basis to the Belgian Refugee Council’s contact meeting. Eurodac is an EU database of fingerprints to help identify asylum applicants and persons who have been apprehended in connection with an irregular crossing of an external border of the Union. When fingerprints match, we call it a “hit”.

<sup>2</sup> Belgium had 701 Eurodac hits with Poland in 2010.

<sup>3</sup> President is between brackets, as Ramzan Kadyrov was appointed to that position by President Medvedev, head of the Russian Federation. Kadyrov was not democratically elected by the Chechen people.

<sup>4</sup> Urząd do Spraw Cudzoziemców, UdSC, Office for the Rights of Foreigners, further on called Office for Foreigners

<sup>5</sup> The reception centres of Moszna, Bielany and Linin.

<sup>6</sup> The closed centre and prison (situated in the same building) of Biała Podlaska.

Contacts with Polish NGOs specialised in asylum matters were also on the programme: we met with staff members of Helsińska Fundacja Praw Człowieka (Helsinki Foundation for Human Rights), Stowarzyszenie Interwencji Prawnej (Association for Legal Intervention) and the Fundacja Międzynarodowa Inicjatywa Humanitarna (International Humanitarian Initiative), specialised in psychological problems of asylum seekers. We met with the National Office of UNHCR in Warsaw and with the consul and chief commissioner of the Belgian embassy.

This Pax Christi report is part of a more extensive report, which will be published in due time. The full report consists of five chapters. The first gives a brief history of migration and asylum policy in Poland. The second provides a description of the Polish asylum system and offers legal officers, working in the field of asylum matters, and asylum applicants, who will be sent back to Poland under the Dublin Regulation, an idea of the current system. The third part presents an assessment of the refugee status determination procedure in the light of UNHCR guidelines, UNHCR Handbook, ECtHR jurisprudence and the European “Acquis Communautaire”. The fourth chapter concerns health and social issues related to the asylum procedure. The last chapter describes the problems of safety of Chechen asylum seekers in Poland. That particular chapter is the one you will find in this paper.

## **2. Composition of the Mission Delegation**

The delegation consisted of Bart Staes, member of the European Parliament for the Greens/ALE from Belgium, An Maes, senior legal officer of the Belgian Refugee Council, Jörg Gebhard, expert on Poland and the situation of Chechen asylum seekers there, and Annemarie Gielen, Russia expert of Pax Christi Flanders. In Poland three more people joined us: Agnieszka Gutkowska, co-founder of the NGO SIP and now working at the University of Warsaw, Imran Ezheev, human rights activist and founder of the Russian-Chechen Friendship Association and Goodness without Borders, and Aziz Abubakarov, (ex-)representative of the Chechen government in exile.

## **3. Acknowledgments**

We owe a lot of gratitude to all the people who made this mission possible.

Firstly, we would like to thank greatly the Polish authorities for their cooperation, their willingness to share their points of view with us, to show us several asylum facilities, including the detention facility in Biała Podlaska. We thank in particular Mr. Arkadiusz Szymanski, head of the Office for Foreigners (UdSC), and his colleagues, who welcomed us in their office. We are grateful to the directors and staff of the asylum centres we visited, and to the Border Guards at Biała Podlaska.

Secondly, we thank UNHCR, Stowarzyszenie Interwencji Prawnej (SIP, Association for Legal Intervention), Fundacja Międzynarodowa Inicjatywa Humanitarna (International Humanitarian Initiative) and Helsinki Fundacja (Helsinki Foundation for Human Rights) for their cooperation, their time and information.

We are grateful to the Belgian embassy in Warsaw for the opportunity to share our experiences.

Subsequently, we are very thankful to Agnieszka Gutkowska, who prepared the majority of the meetings and who was our translator and information person throughout the whole mission. Many thanks also to Imran Ezheev, who introduced us to the Chechen asylum seekers and tried to gain their trust in ourselves and in our mission. Many thanks as well to Aziz Abubakarov, who also helped in making contacts with the Chechen asylum seekers and who drove us around during our mission.

We would like to thank all the asylum seekers who shared information with us. On the one hand, some of them told us things they did not tell the Polish officials, as they were afraid that this information would go straight to Moscow or Grozny, but on the other hand, many did not play open cards even with us, fearing negative consequences for either their asylum procedure in Poland or for their life, health or dignity. In our report we come back to this issue.

Finally, we would like to thank Alicja Gorzyska, Saskia De Piere, Jo Govaerts, Stephane Rutten, Katrin Cant, Hanne Boulet, Kirsten Janssens, Niels Smeets, Tadek Czerwianski, Jean-Pierre Franssen, Evy Van Herck, Sam Smolders en Valerie Severijns for their precious help translating several Polish reports and asylum decisions, MEP Bart Staes for supporting the mission.

## **II. The Safety Questions related to Chechen Asylum Seekers specifically**

The purpose of this paper is to describe the real and/or perceived threats of Chechen asylum seekers to the right to life, the right to human dignity and the right not to be tortured or treated inhumanely in Poland. On the one hand Chechen asylum seekers complain of being threatened in Poland by people working for Ramzan Kadyrov, current (appointed and not elected) “president” of the Chechen Republic. On the other hand we received complaints of arbitrary, unmotivated aggression or violations of the law by Polish police. Finally there is the threat not to be recognised as a refugee and being expelled (or deported as asylum seekers say) to Belarus or Russia. For this report we use the experiences and testimonies of the people we met during the mission and material from reports, articles or interviews, in order to demonstrate the degree of seriousness of this safety question.

### **1. Threats by Chechen secret services (so-called Kadyrovtsy)**

This topic is very controversial: on the one hand Chechen asylum seekers tell with the greatest conviction that people working for Ramzan Kadyrov travel freely in Poland, threaten their adversaries either by phone or in real life contact, beat their victims or extort information from them; this without any reaction from the Polish authorities.. Further allegations state that meetings have taken place between staff of the Office for Foreigners and representatives of Kadyrov, and that the Polish side has offered all help necessary to find the people Kadyrov is looking for. On the other hand, the Polish authorities, whether at the Office for Foreigners or in the person of centre directors deny or minimalise these threats and the presence of so-called “kadyrovtsy”.

The truth behind these allegations is very difficult to investigate, especially with the few means and little time we had to our disposal during our mission. The asylum seekers did not always trust us and often answered with vague accusations or in general terms, but a few of them did provide us with more concrete testimonies. One man for example spoke to us in one of the centres. He testified to receiving a phone call (at least one – red.) from Chechnya: an unidentified man told him that he knew he was in Poland, mentioning the name of the asylum centre, and even the correct floor and room, where the man stayed. This frightened this man very much, but he said he has nowhere to turn to. Another person told us he also received a phone call, this time from a Chechen person using a Polish number. Other asylum seekers mentioned unidentified people, who address them in Russian or Chechen at the bus stop near the asylum centre.

These calls and addresses by unknown Chechens increase the feeling of insecurity and feed the fear that kadyrovtsy are everywhere: “People tell us not to speak too much about our problems in Chechnya, as Kadyrovtsy are everywhere.” Somebody else told us that “people saw men dressed in black in Warsaw (which resembles the dress code of kadyrovtsy – red.). They beat up one of the asylum seekers saying “don’t think that you can hide””. Mr. Ilyasov, who presented himself as representative of the Chechen community in Poland, told us in a conversation: “We also know that there are

Kadyrovtsy among the asylum seekers.” Another man testified that there are Chechens in black uniforms driving around Warsaw with Chechen license plates. Some Chechens told us they know where kadyrovtsy live, when they are in Warsaw.

On the other hand, we asked the centre directors if they had heard of these security problems: they told us they have never had any complaints about such threats against Chechens. The director of the centre in Moszna said that he did get a concrete question from the Belgian asylum authorities about a case of a Chechen from his centre last week. He suggested that if residents do encounter problems with fellow Chechens, who threaten them, they should write down a statement. He is subsequently prepared to read it and put a signature or a stamp if he agrees with the contents.

Our delegation asked the staff of UdSC how they deal with the repression or insecurity asylum seekers feel in Poland from the Kadyrov regime. In Belgium, there are not so many complaints (as yet – red.). The presence of Kadyrov’s men seems to be larger and more threatening in Poland. Can Poland guarantee any safety? The answer from a representative of UdSC was: *“Chechens are a closed group, they don’t tell us much. They can talk to us if they want to.. If there are threats, we can provide another centre or we can hand out private benefits so the person can live outside a centre. We also work closely with the police. When a tragedy happens, they complain that we don’t do enough to protect them. We get the blame., but often we don’t have the necessary information in order to act upon these threats. We do not make a division between people from Kadyrov or other Chechens in our asylum procedure, they can all receive protection. We recommend them to cooperate with NGOs.”* Our delegation reacted by saying: *“We have recommended the asylum seekers to mention cases of threats to their centre director or to NGO’s, because otherwise the security problem remains unknown and nobody can help.”*

A very worrying testimony came to us in one the centres we visited: “Several corpses were found near the stadium in Warsaw, allegedly of overdoses of drugs. We believe that it is false information, as Chechens usually don’t use drugs. They were killed, we believe by Kadyrovtsy or FSB.” When asking more concrete questions, we bumped into a wall of distrust and fear.

## **A. Testimonies**

Before our mission we had already heard of the following testimonies:

### **a) The case of M.M.**

M. was addressed by ethnic Chechens in the Wierzbova street in Bialystok on 23 September 2009. They asked him to provide lists with data on asylum seekers (names and addresses) and to provide information on so-called Chechen wahhabists in Poland, who collect money for the Islamist resistance in Chechnya and who finance terrorist attacks. M. lived in an apartment with a “karta pobytu”, followed the integration programme during one year and found a job. He did not have serious problems in Poland.

After the threats, he hesitated to go to the Polish police. He contacted the local police station only after one month to file a complaint against the unknown Chechens, because

local NGO workers advised him to do so. He left the country a few months later for Belgium, where a transfer to Poland according to the Dublin Convention was annulated in April 2010. One year later he was allowed to start his proper asylum procedure in Belgium.

***b) The case of D.T.***

D.T. had to flee Chechnya after his brother was murdered, due to the official position of the family: working in the local administration made them vulnerable for the Russian federal troops and the Russian administrative authorities. T. never obtained the refugee status despite the harsh repression on his family back home; he did get a “pobyt”. He received several threats in Poland by people from Chechnya, who told him they knew where he lived. At each instance T. addressed the police, asking for protection, but without any success. A local Polish NGO also asked several bodies to grant special protection for the family. In the end, the family decided to leave Poland for Belgium. After a long juridical struggle, a transfer to Poland was annulated and D.T. obtained the status of refugee in Belgium.

***c) The case of S.E.***

S.E. left Chechnya in 2006, when two of his brothers were murdered in very strange circumstances, probably by Chechens who worked for the Russian authorities. After 4 months of residence in Poland, the family got the asylum status. A peculiar fact, as very few Chechen citizens obtain the asylum status based upon the Geneva Convention (in 2006: ca. 2-3% only). The family moved to an apartment, the husband found a job, the children went to school: everything went well for the family.

One day, the husband saw one of the murderers of his brother near a shop in the town where he lived. He was shocked, started discussing with the Chechen man, who said “you don’t get rid of us, we know you have the documents, we won’t leave it like that.” They started fighting, local people shouted they would call the police, the Chechen man ran away.

Unfortunately, S.E. decided not to go to the police: he was afraid that the police would start chasing the Chechen man, causing a lot of trouble and attention, which he wanted to avoid. He was afraid that this might have negative repercussions on his family back home. Therefore he decided to leave Poland: his wife arrived with several children in Belgium, one week later he joined them with the remaining children.

Until today, this family has no permanent permission to stay in Belgium. The Belgian authorities do not believe the man was threatened in Poland.

After our mission B.B. came to Belgium with the following serious testimony:

***d) The case of B.B.***

B.B. is member of a family that is strongly involved in the Chechen resistance. Due to their involvement, almost all men of the family were killed and several women detained, harassed or tortured. The kadyrovtsy wanted to find the surviving men: B.B. and a few other relatives.

B.B. fled Chechnya in 2008: he applied for asylum in Poland and received a "pobyt" after ca. 9 months. He moved to a town, where he found housing and a job fairly easily. From time to time he visited friends in Warsaw and other places. The problems started in August 2010, when a relative, S., came to Poland. When he saw S., he was accompanied by an unknown man and S. had decided to stay with that man. After two days, kadyrovtsy came to take him back to Chechnya. He was threatened; they told him they would kill his parents. The kadyrovtsy managed to take him to Chechnya.

B.B. also mentions another "strange" incident, which occurred a few months earlier, when B.B. accompanied another relative, U., to the asylum instance on Tabarowa street in Warsaw: through the window of the waiting room he noticed a man outside taking something from under his belt and laying it in his car. He then adjusted his trench coat and entered the waiting room. He did not take a number, as everybody else did. He just sat there and looked at B.B. from time to time. He had dark blond short hair, fair whiskers, dark eyes, he was pale, and measured about 1m87. After that, B. has not seen him again.

Real problems started in November 2010: B.B. went to the asylum centre in Linin to stay the night there. Approaching the centre in Linin, a car stopped beside him: a BMW with Lithuanian licence plates. B.B. remembers the numbers 849. Seated in the car were 5 Chechen men of about 30-35 years old who offered him a lift to the centre. They were well-dressed, with leather jackets, good-looking clothes. First they talked a bit about Chechnya, asked how long B.B. was in Poland, but then they started asking questions about his uncle. They told him they helped him to escape to Europe and asked how he was. B.B. denied his uncle was in Europe and asked who told it them. He told them his uncle was in Kazakhstan. They told B.B. they had to go now, but that they would certainly talk again.

A few days later, on 6 November, the same men awaited B.B. in the centre of Warsaw at an underground crossing. They talked to him again and asked him about the whereabouts of his relative. B.B. told them again that he was in a far away country, and that he did not have any news about him. One of the Chechens introduced himself as M. B., another called himself M., names which might be fake.

B.B. wanted to file a complaint on the threatening situation with the police of Pesechni, but the police refused to record a report.

On 15 November, B.B. was in the village where a girlfriend lived: he wanted to buy a phone card, when again the same car stopped him and the men offered him a lift to the gas station. He accepted, but after a while, they took another road. B.B. panicked and got an electroshock with a small device. He lost conscience. When he gained conscience they were in a forest, his hands were tied on his back. They took his silver necklace, his phone and the documents that were on him. They hit him severely, also on the head. This beating resulted in deafness to his right side and permanent headaches. They burned his skin with cigarettes (there are still marks on his skin – red.). The man that named

himself M.B. said “We know where you live, you cannot escape. If you do not cooperate, we will not leave you alone. Your father must deliver us 5 kalashnikovs and then we return you your documents and you can rest. But in the mean time you must cooperate.” They tied B.B. to the car and dragged him behind the car . They filmed everything on their mobile phone. B.B. couldn’t speak anymore, he was bleeding from his right ear, he sustained immense pains. Then they left him behind. With great difficulty he reached a village or town, where he sought help in a hospital. Medical aid was refused however and he travelled back to his town to get cured. From there he came to Belgium.

His case is now transferred to the Belgian Office of the Commissioner General for Refugees and Stateless Persons for an assessment of the merits of his asylum request.

## **B. Other reported cases**

When researching published material on this issue, we noticed that very little has been written down so far, although legal advisers, social assistants, lawyers and staff members of different NGO’s in various EU countries have heard equal testimonies during their work with Chechen asylum seekers. But very often the reported threats are phrased as “I got a phone call from Grozny”, “a Chechen man approached me near the bus stop”, or “I saw people with black uniforms, surely Chechens, in Warsaw”. None of the asylum seekers can actually prove what he heard or saw, as there were no witnesses (or if there were, they did not ask for their statements), nor audio or video recordings.

Many asylum seekers are nevertheless convinced that Polish asylum authorities cooperate with the Kadyrov regime to track political adversaries in Poland. They told us that there are regular contacts with Kadyrov’s representatives in Warsaw; we even heard that there is a permanent presence of a Kadyrov representative. The UdSC has denied us firmly that this is the case. The representative is known as Magomed Yusupov, and he is mentioned as such in an article<sup>7</sup> on the return of several Chechen asylum seekers from Poland to Chechnya on the website [todayinchechnya.wordpress.com](http://todayinchechnya.wordpress.com), a pro-Kadyrov website.

### ***a) The Case Umar Israilov***

A strikingly exemplary case of Kadyrov’s action radius in Europe is the murder of Umar Israilov<sup>8</sup> in Vienna on 13 January 2009, which caused a shock wave through the Chechen community in Europe. They felt (and still feel) very unsafe as it is clear how Kadyrov and his men can apparently trace refugees and asylum seekers in Europe, and kill them in broad daylight (see previous footnote for information on the trial, held in Vienna). Umar Israilov resided a while in Poland, applying for asylum. His wife testified at the trial in Vienna in 2011 that Kadyrov called Umar on his mobile phone in Poland to make threats<sup>9</sup>. So this was a clear case of threats, expressed by Kadyrov himself towards an asylum seeker in Poland.

---

<sup>7</sup> <http://todayinchechnya.wordpress.com/2011/04/25/chechen-refugees-have-returned-from-poland/>

<sup>8</sup> See e.g. [http://en.wikipedia.org/wiki/Umar\\_Israilov](http://en.wikipedia.org/wiki/Umar_Israilov), or <http://www.hrw.org/news/2009/01/14/austria-bring-killers-chechen-exile-justice>; the world press has widely reported on this issue

<sup>9</sup> [http://www.fidh.org/IMG/pdf/SummaryOfProceedings\\_3Dec2010.pdf](http://www.fidh.org/IMG/pdf/SummaryOfProceedings_3Dec2010.pdf), page 1

There is another link to Poland in this killing: some Chechen asylum seekers told us they knew where one of the criminals had stayed in Warsaw. An accomplice was indeed arrested there<sup>10</sup>.

In a report of ECRE, already referred to in previous chapters, there is also reference to this murder case:<sup>11</sup> on page 7, it reads under point 13: *“Many refugees from Chechnya in Europe do not feel safe, particularly after the murder of Umar Israilov, a refugee from Chechnya, in broad daylight in Vienna. There are fears that Ramzan Kadyrov’s men operate freely in several European countries, particularly in Poland and put pressure on refugees to return to Chechnya.”*

### **b) Other reported threats**

Few is documented, as mentioned higher. Often information in files of lawyers, legal workers or social workers is not disclosed, as it concerns the privacy of the asylum seekers. But from time to time, some cases reach the surface in publications or in news items. It is the repetition of such testimonies and fears that makes it “quantité innégligeable”. It is rather awkward to see that so little has been published about this evolution. What we found during our (short) research is listed here below.

- Case of Ibragim (France), December 2010: Ibragim is the only living brother of four: one died in an accident, two others were killed “during their political activities”, says the article issued by the France Tchétchénie Solidarité Nancy<sup>12</sup>. During the few months he and his family were in Poland to apply for asylum, he noticed that other political opponents of the current regime in Chechnya disappeared in Poland. Without explanation. He started worrying about the fate of his family and decided to go to France, where his sister Malika was granted asylum. On a blog<sup>13</sup>, we read about the same family.
- Case of Duda Akhmadov and Bella Ekhaeva (France), August 2011: Duda was granted asylum in Poland in 2009 due to his political activities, but had to flee Poland because of death threats, says the article by Ouest-France<sup>14</sup>.
- Case of a Chechen politician, residing in Belgium: the man received death threats by other Chechens, while staying in Poland during his asylum procedure, writes the author of the publication “Wij zullen niet vergeten” (“We shall not forget”), Jörg Gebhard, published by the Belgian organisation Foyer<sup>15</sup>.

A significant case is included in the Final report<sup>16</sup> of the Dublin Transnational Project, a large-scale project conducted by ten organisations from nine EU-countries and Switzerland. In the Final report we read on pages 35 and 36 about the complex case of R., who fled Chechnya with his family and his brother A. They wanted to apply for

---

<sup>10</sup> <http://en.rian.ru/world/20090222/120258434.html>

<sup>11</sup> <http://www.ecre.org/component/content/article/57-policy-papers/174-guidelines-on-the-treatment-of-chechen-internally-displaced-persons-idps-asylum-seekers-and-refugees-in-europe.html>.

<sup>12</sup> <http://ftsnancy.wordpress.com/tag/pologne/>

<sup>13</sup> <http://blogs.mediapart.fr/blog/patrick-rodel/060111/appele-urgent-pour-famille-tchetche-en-danger>

<sup>14</sup> [http://www.ouest-france.fr/actu/actuLocale\\_-Les-Tchetchenes-arretes-sans-leur-fils-40736-1967812-44109-aud\\_actu.Htm](http://www.ouest-france.fr/actu/actuLocale_-Les-Tchetchenes-arretes-sans-leur-fils-40736-1967812-44109-aud_actu.Htm)

<sup>15</sup> <http://www.foyer.be/IMG/pdf/TsjetsjenenInBelgieMaesDef.pdf>, page 121

<sup>16</sup> <http://www.dublin-project.eu/dublin/content/search?SearchText=final+report>, page 35-36

asylum in Austria, but as they had arrived through Poland, R. and his family were sent back to Poland; A. and his family could stay in Austria. During his asylum procedure in Poland, R. frequently received threats by the current Chechen regime to switch sides, and to come to work for Ramzan Kadyrov. He refused and sought refuge with friends. The kadyrovtsy were determined however and came to threaten his wife; after that she received other accommodation. Their 17-year old son was later threatened on the street. The wife left with her five children for Sweden, as she felt unsafe in Poland. Sweden refused the asylum request and sent the family back to Poland. After renewed threats, the wife decided to go to Austria. A month later her husband was found dead, mutilated, near Warsaw's railway station...

Russian human rights activist and journalist Elena Maglevennaya also speaks about threats of kadyrovtsy in an interview to the Finnish Russian Civic Forum<sup>17</sup>. Here we quote her: "However, I have one serious bone of contention, and that is the Dublin Regulation. I have witnessed several cases where the Dublin Regulation has been employed to separate families by deporting one of the spouses to, say, Poland, which is unable to guarantee even the minimum security to Chechen refugees; killers sent by Chechen dictator Ramzan Kadyrov roam openly in Poland. We have to do something with the Dublin Regulation - if nothing else then at least include some exceptions into the text."

From our daily practice and from what we heard in Poland, we believe the information that reaches the surface is only the tip of the iceberg. The deep distrust and feeling of powerlessness of the asylum seekers, unfortunately, make that their perceived threats remain unproven, and are therefore considered to be a myth ...

---

<sup>17</sup> <http://finrosforum.fi/elena-maglevannaya-granted-asylum>

## **2. Threat of being expelled to Belarus or the Russian Federation**

### **A. Situation and examples**

As the recognition rate is so low in Poland, and as some people who have serious problems in Chechnya are sent back to Russia or Belarus, the refugee community is very scared of being deported to either country. This is considered a real threat for their lives; Belarus and Russia form a special union with a very close cooperation on financial, economic, but also military or intelligence level. It is difficult to get names and data of asylum seekers who were repatriated, but we heard of a few cases where every contact was broken with the asylum seeker upon return to Russia. The worst is to be taken into consideration in such cases: disappearance, torture and execution.

We were told of the case of a Chechen man who was handed over to a high-ranking Chechen police official (working for the Ministry of Interior Affairs in the current Chechen Republic) at the Moscow airport. This official is called Ramzan Dzhambalkhanov, a close ally of Ramzan Kadyrov. This transfer of an asylum seeker to an official of the Kadyrov authorities fosters the impression that the Polish authorities hand over adversaries of Ramzan Kadyrov, instead of granting them asylum.

There is also the case of Ibragim Gaziev: he was refused asylum status in Poland and was violently removed from Polish territory in January 2010. Upon his return to Chechnya, he was shot in February 2010, allegedly in a special operation against a so-called “gang” conducted by federal forces<sup>18</sup>.

Another important example of this practice was the detention in Poland of Said-Hasan Gakaev, cousin of field commander Aslambek Gakaev, avid adversary of Ramzan Kadyrov. Gakaev received three negative decisions in his asylum procedure in Poland and was detained in a closed centre together with his wife and children, during our mission in Poland. The fact that high-ranking fighters of the Chechen resistance do not get protection in Poland is the ultimate proof for the other asylum seekers that Poland plays a political game with Russia, and that in fact all Chechen refugees are like birds for the cat. Sending back Gakaev undoubtedly means his immediate death.

This kind of events cause a dilemma for asylum seekers from Chechnya: they think that if speaking the truth - namely that they are persecuted in Chechnya on basis of their ideology - they will be handed over to the Russian or Chechen authorities: this phenomenon – not telling the truth – might be a reason for the low recognition rate in Poland, but on the other side, the fact that even obvious victims of the Russian and current Chechen regime do not get asylum will not encourage other asylum seekers to change their attitude of lying. This is a serious dilemma and a problem that should be solved by providing more juridical education to asylum seekers and the people that assist them in their asylum procedure, and by creating a climate of trust between the asylum institutions, NGO's and reception centres on one side and the Chechen asylum seekers on the other.

---

<sup>18</sup> On Internet we found related information on <http://www.eng.kavkaz-uzel.ru/articles/12403/>.

Furthermore, Chechens told us that they saw on Polish television how a person of the Russian FSB said that they cooperate well with the Polish authorities, that there are no problems with the Poles, that there are good relations between Russia and Poland, that they still work there as old acquaintances, and that they get all the information they need. Such words do not increase the feeling of being safe in Poland.

Next example, written down during our visit, hits the same nail of fear: “We are afraid. Two weeks ago there was a knife fight in Moszna: one man was killed. I am a far relative of his wife, who left for France before. The husband wanted to join them. He had big problems in Chechnya: he was in jail there. We believe he was murdered here by the Russian or Chechen FSB. We are very afraid to say anything as we believe we might be deported to Russia or that our information is passed on to the Russian FSB.”

Kadyrov is not only threatening his adversaries in Poland, but has also set up an active campaign to return asylum seekers to Chechnya. On this question, the higher mentioned ECRE report states under point 4 on page 6: *“The reasons given by Chechen asylum seekers for not wanting to stay in Poland include: that they have concerns for their safety; they are scared that the Chechen President Ramzan Kadyrov’s men operate freely in Poland and will pressure Chechens to return to the Russian Federation; ...”* The article on [todayinchechnya.wordpress.com](http://todayinchechnya.wordpress.com) (see higher footnote) proves that this fear is grounded: Kadyrov’s regime actively promotes the return of asylum seekers. This return is offered under the pretext of miserable conditions in Poland<sup>19</sup>. Kadyrov even claimed that the rights of these people would be better protected in Chechnya, than in Poland! NGO Memorial and news site [kavkazky-uzel](http://kavkazky-uzel.ru) have stated the opposite: returned refugees often have no proper housing<sup>20</sup>. If Kadyrov’s regime cannot take care of the refugees who returned earlier from Ingushetia (from 2007 until this day), then why believe he will take care of new returnees?

## **B. Actions or reactions of NGOs on these events and testimonies:**

When we raised the issue of the alleged presence of kadyrovtsy in Poland at the Helsinki Foundation for Human Rights and the Association for Legal Intervention (SIP), the staff told us they hardly get any complaint about kadyrovtsy. When we asked Chechen asylum seekers why they never talk about these threats with their lawyers or NGOs, they say on the one hand they are afraid that the lawyers and NGOs pass on their information to the authorities, who on their turn might pass it on to the Russian or Chechen authorities, and on the other hand they do not believe that lawyers or NGOs can make a difference: they won’t get asylum anyway.

We have met a lot of very worried and involved NGO staff members or volunteers, though, who would be glad to try to help out. Also the Chechen Committee in Warsaw seems to receive many complaints or alarming information. Unfortunately, we didn’t

---

<sup>19</sup> <http://eurasialift.wordpress.com/2009/12/21/kadyrov-accused-poland-of-violating-rights-of-chechen-refugees/>

<sup>20</sup> <http://www2.memo.ru/d/2403.html>: Bulletin of Memorial Human Rights Center, The situation in the zone of conflict in the North Caucasus: evaluation by human rights activists, Winter 2010 – 2011, page 43; <http://www.kavkaz-uzel.ru/articles/193101/> (in Russian): PACE visits Ingushetia to check on housing for Chechen refugees. The temporary housing will be closed, and Kadyrov promised proper housing, but people say they received housing in places without roads, schools and communication possibilities.

meet with their representatives. Other people who seem to be active are Chechens who present themselves as leaders of the diaspora, such as Ilyasov, with whom we had a short meeting at the centre in Moszna. There also are “official” representatives of the ChRI<sup>21</sup> government in exile, but it seemed that they had conflictual relations among each other.

We plead every time during our meetings with asylum seekers that they should break their own isolation. If they don't share their fears with NGOs or lawyers, nor with police or centre directors, then there is little hope on improvement. And their fear is a benefit for the kadyrovtsy.

### **3. Police Harassment or Abuse of Power by Polish Authorities**

Apart from the threats Chechen asylum seekers receive from kadyrovtsy, they also complain about the harsh and (in their view) biased attitude of Polish police towards Chechens. In general the asylum seekers do not feel very welcome in Polish society, although many do not want to generalise and also name Polish citizens who help them. But there are numerous incidents of racist remarks and even physical violence at bus stops, in school or at work. Children are targeted as well: many of the adult Chechens complained to us about the violence against their children at school by Polish children.

The complaints are often about the Polish police not taking the refugees seriously: when Chechens come to the police station to file a complaint, they are sent away (see also the chapter above). In other cases the Polish police are very rude or do not explain their action, increasing the fear and feeling of powerlessness.

Besides the lack of police protection or comprehension, Chechens feel the same lack with other Polish authorities, like the asylum bodies, school administration, employers, etc.

Below are some of the facts mentioned by refugees related to police harassment or abuse of power during our mission.

N.E. is mother of four children, her husband was carried off in handcuffs one day by the Polish police and probably deported to Kaliningrad (Russian Federation), although N. does not have any written document about this. This happened in January 2010. All this time, she never received any explanation, although she repeatedly asked the centre director and the police for information.

When we visited an apartment house on ulica Górczewska, the tenants told us that they don't feel safe there due to police interventions. For example, there was a wedding in June 2010: a lot of people gathered that day at the house on ulica Górczewska. After a while, police came with bats and electroshock clubs. The whole building was searched, people were submitted to intimidation. The police never gave any explanation why.

---

<sup>21</sup> ChRI is the abbreviation for the Chechen Republic of Ichkeria, the name that was launched after the declaration of Chechen independence under the presidency of Dzhokhar Dudayev (1991-1996).

Another example of the unsafe circumstances in Górczewska occurred the day before our arrival, on 14th September: one man came to the apartment of one of the families and took pictures of the apartment inside. He was accompanied by two men in a uniform. They gave no explanation. They also photographed the children.

When we asked how often the police raid the house, the man answered: "About 15 times a year, any moment of the day."

Another story of police violence comes from A.U.: A. was taken to a police station, where he was beaten with bats and where he sustained electroshocks. We asked him several times if he really received electroshocks, and he was positive. He said that the Polish police used that method more often, although they deny it publicly. After he was beaten, they showed him pictures and asked him if he recognised anyone. He said he did not know anyone in the photos. When Imran went back to Poland in December 2010, A. trusted him more and told him who was in the photos: he had recognised three of the four photos, all three not in Poland anymore due to the unsafe environment in Poland.

On another occasion, we met a man, who also mentioned overdose-killings: a relative of one of the dead was beaten by the police and had to sign a confession that he had killed the man himself.

## **Conclusions of this chapter**

The information gathered before, during and after the fact-finding mission, points at the serious problem of safety for Chechen asylum seekers in Poland, especially concerning the threats of Kadyrov and his agents. Ignoring or minimising this information is unacceptable, as the death cases have proven the real risk for several Chechen asylum seekers, in Poland or other EU countries. This information should be used both in the examination of an asylum request of Chechen asylum seekers, who refer to safety problems in Poland, as in the approach of the asylum policy in Poland and throughout the whole European Union. This is a serious problem that needs a common European approach.

*Annemarie Gielen, Pax Christi Flanders, 1 December 2011*