



The European Union
for Georgia



საქართველოს სახალხო დამცველი
PUBLIC DEFENDER (OMBUDSMAN) OF GEORGIA



10 YEARS AFTER

Consequences for the Human Rights Situation
of the Conflict-Affected Population

INTRODUCTION

The events of August 2008 had major repercussions for Georgia's political, economic and democratic development. Not only did the war cause grave damage to human relations between ethnic Georgian and Ossetians and ethnic Georgians and Abkhaz, it created uncertainty and ambiguity for efforts toward conflict resolution.

In violation of international law, the Russian Federation recognized the independence of Abkhazia and Tskhinvali Region ("South Ossetia") and deployed border troops along the Lines of Occupation separating these regions from the rest of Georgia. Due to this policy, communities which previously had enjoyed intensive trade relations and family and friendship ties now face restrictions on freedom of movement, being illegally detained and penalized and, in some cases, even killed.

Ten years since the war, the human rights situation facing conflict-affected communities remains grave. The local population struggles to cope with restrictions on freedom of movement and expression, discrimination on grounds of ethnicity and violation of their right to receive education in their native language, among other things. Moreover, international human rights organizations are denied access to the occupied regions, which further complicates efforts to hold the Russian Federation and Kremlin-backed de-facto regimes responsible for human rights violations.

DIRECT CONSEQUENCES OF THE CONFLICT

During the 2008 war, according to UNHCR, 163,000 people were registered as internally displaced. Among them, 36,000 fled to North Ossetia but returned home by September 3 of that year. The remaining 127,000 fled to Georgian-controlled territory. Of those, roughly 100,000 had already returned home by 2009.

The number of people affected by the conflicts of the 1990s and the 2008 war is overwhelming: As of 2017, there were 278,103 Internally Displaced Persons (IDPs) living on Georgian-controlled territory. In addition, approximately 200,000 to 240,000 reside in Abkhazia (including approximately 40,000 ethnic Georgians currently living in Gali), and some 20,000 to 30,000 reside in Tskhinvali Region (including roughly 1,000 ethnic Georgians from Akhalkalaki district). Many more people from conflict-affected areas have left the country altogether and no precise data about them is available.

Therefore, around half a million people have been directly affected by war, experiencing moral and material damage. Therefore, the Georgian authorities are obliged to take effective steps to redress human rights violations and aid the reconciliation of conflict-affected communities.

The Georgian authorities have equal obligation to care for the residents of the Occupied Territories pursuant to Georgian legislation and state policy; these people are citizens of Georgia, despite the fact that some do not possess citizenship documents.

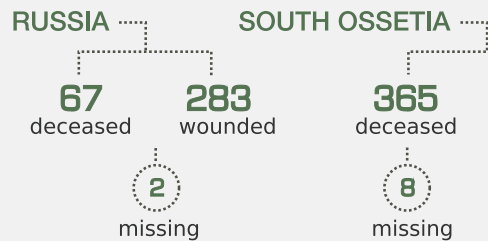
CONSEQUENCES OF MILITARY ACTIONS OF 2008

IN TOTAL **850** DECEASED

DURING THE ARMED HOSTILITIES GEORGIA LOST



With regard to the casualties among military/civilians sides have declared:



180 ethnic Georgian civilians were held captives in South Ossetia in August 2018

Icon: Four people being led by a guard.

Material damage sustained by the country as a result of military actions of 2008 is yet to be calculated

As a result of Conflicts in the 1990s 2087 Georgians, 123 Abkhaz and 101 Ossetians are missing



JOURNALISTS

killed **3**

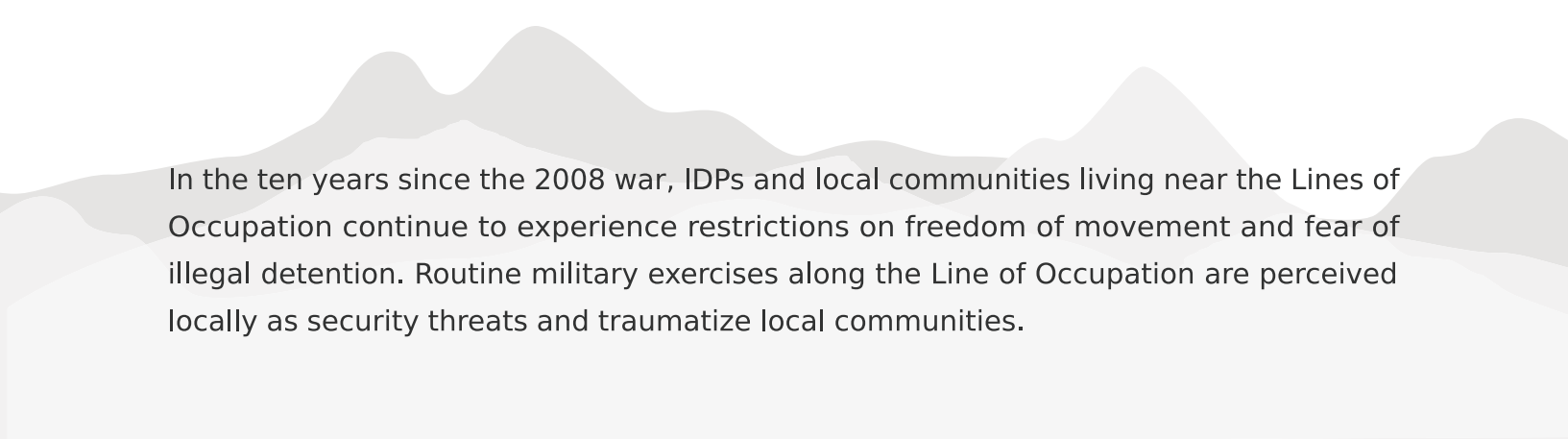
wounded **4**

COMMUNITIES NEAR THE LINE OF OCCUPATION

At the time of writing, the 350-kilometer-long Line of Occupation with Tskhinvali Region is controlled by roughly 1,200 Russian border troops. Around 1,500 Russian border troops are deployed on the 145-kilometer-long boundary with Abkhazia. In 2009, Russia began aiding, including providing financial support for the illegal process of borderization in the form of barbed wire, fencing, trenches and surveillance masts. Since 2009, Russian border troops have also carried out intensive patrolling along the Lines of Occupation.

Consolidation of Russia's control over the Lines of Occupation and its subsequent actions have directly affected more than 800 households living in 50 villages located in close proximity to the Lines of Occupation in Shida Kartli and Samegrelo-Zemo Svaneti regions. These communities have lost access to irrigation water, with two channels and two water reservoirs located on the Occupied Territories being blocked by the de facto authorities. In addition, most villages in close proximity to the Lines of Occupation have lost access to pasture and farmland and had to subsequently give some up farming and cattle breeding activities – traditionally major sources of income and livelihood. Forests and other natural resources are no longer accessible to these communities. Moreover, houses in Shida Kartli and Samegrelo that were damaged by military actions have yet to be repaired, with their owners still awaiting compensation from the state authorities.

The conflicts also had devastating effects on the local culture: The centuries-old tradition of inter-ethnic co-existence has been uprooted, families split and kinship and friendship ties disrupted. Local communities can no longer access cemeteries, churches and shrines, all of which are significant to Georgian cultural traditions, especially during religious celebrations.

A stylized, light gray mountain range silhouette spans the top of the page. The mountains have soft, rounded peaks and are layered, creating a sense of depth. The background is a plain, light gray color.

In the ten years since the 2008 war, IDPs and local communities living near the Lines of Occupation continue to experience restrictions on freedom of movement and fear of illegal detention. Routine military exercises along the Line of Occupation are perceived locally as security threats and traumatize local communities.

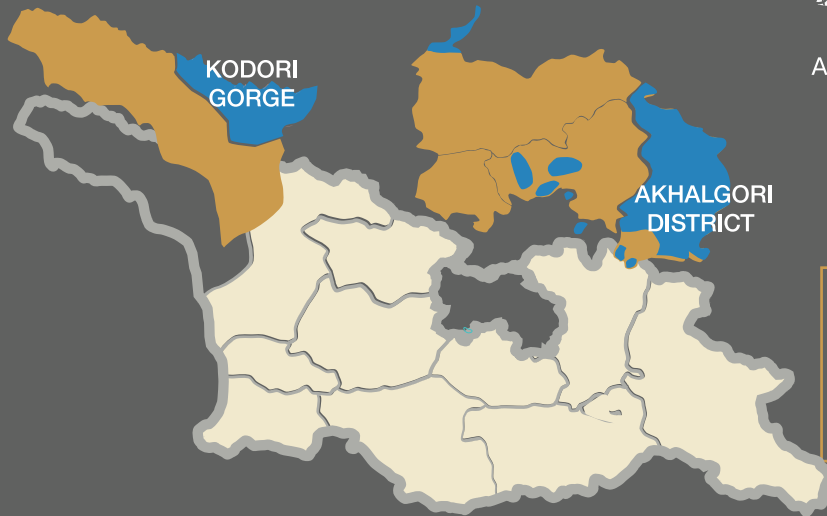
VIOLATIONS OF THE RIGHT TO LIFE AND THE RESPONSIBILITY OF THE RUSSIAN FEDERATION

The years 2016 to 2018 were particularly concerning with respect to violations of the right to life, including the deaths of two Georgian citizens – both IDPs. In 2016, Giga Otkhozoria was killed by an Abkhaz so called “border guard” on the Line of Occupation with Abkhazia. Two years later, Archil Tatunashvili was kidnapped by representatives of Tskhinvali Region’s de facto law enforcement, transferred to Tskhinvali detention facility and killed, allegedly as a result of torture. It took one month for Tatunashvili’s body to be returned to his family. Because his internal organs had been removed from his body, it proved impossible to verify the cause of death.

Georgian investigative agencies launched criminal prosecutions on both cases and suspects were charged with deprivation of life and illegal detention. However, neither case ended with conviction due to the refusal of the de facto authorities and the Russian Federation to cooperate. Sadly, miscarriage of justice further exacerbates the situation faced by the conflict-affected population.

It should be underlined that both incidents took place at checkpoints under the control of Russian border troops. Moreover, an initial autopsy on Archil Tatunashvili’s body was performed in the Russian Federation where his internal organs are still being kept. These facts directly point to the responsibility of the Russian Federation for the violation of Georgian citizens’ right to life. The Russian Federation exercises effective control over the Occupied Territories.

DIRECT IMPACTS OF THE OCCUPATION SINCE 2008



TERRITORIES OCCUPIED IN 1992
TERRITORIES OCCUPIED IN 2008

As a result of the war the Georgian central authorities lost effective control over

151
settlements including:

25
IN SOUTH
OSSETIA

110
IN AKHALGORI
DISTRICT

16
IN KODORI
GORGE

AMOUNTING TO **20%**
OF THE GEORGIAN TERRITORY

SINCE 2008 RUSSIAN OCCUPATIONAL TROOPS HAVE INSTALLED MULTIPLE BARBED WIRES AND TRENCHES

The Line of Occupation stretches over **495** km with:

MORE THAN
48 KM OF - BARBED WIRES
- FENCES
- TRENCHES

THE LINE OF
OCCUPATION WITH
OCCUPIED
ABKHAZIA IS
145 KM LONG

THE LINE OF OCCUPA-
TION WITH OCCUPIED
TSKHINVALI REGION IS
MORE THAN
350 KM LONG

MORE THAN
52 KM OF - BARBED WIRES
- FENCES



THE RIGHTS OF INTERNALLY DISPLACED PERSONS

In light of unresolved conflicts and numerous security threats, the human rights situation facing IDPs remains grave. The rights of return, property and freedom of movement are routinely violated. The situation is further exacerbated by the precarious social and economic conditions in which many IDPs continue to live.

As of today, there are 88,823 registered IDP households in Georgia. Fifty-two percent of IDPs live in so-called private housing, with the remaining 48% living in compact settlements. Even though the government has declared long-term durable housing solutions for IDPs a priority, some 52,008 IDP households (58% of the total) are still awaiting long-term accommodation.

Ongoing violations of property rights on the Occupied Territories have raised deep concerns and are viewed as a continuation of the policy of ethnic cleansing. Within a month after signing the ceasefire agreement in 2008, ethnic Ossetian militias ravaged Georgian settlements and burned down the houses of ethnic Georgians. In the following years, ruins and remains were razed to the ground. For instance, in 2018 the de facto authorities in Tskhinvali Region removed the ruins of 268 houses from the occupied village of Eredvi under the Russian-funded “Investment Programme for South Ossetia’s Social-Economic Development”. The same fate was shared by another occupied village, Tamarasheni, which is now home to a residential housing complex for Russian soldiers. The territory of the village Dzartsemi is now being used as training grounds for a Russian military base.

The property of IDPs in occupied Abkhazia which qualifies as “unattended” is appropriated by the de facto authorities, as a result of which IDPs lose their rights to manage their property. There have also been numerous cases of unlawful seizure of IDPs’ property by individuals.

CONFLICT AFFECTED PERSONS

The armed conflicts have affected around 500 000 individuals. Some of them currently reside in the Occupied Territories while others are Internally Displaced Persons (IDPs).

AS OF 2017:

IN GEORGIA

278 103 INDIVIDUALS
88 823 households

LONG-TERM ACCOMMODATION HAVE BEEN PROVIDED TO

35 927 HOUSEHOLDS
They constitute 42% of all IDPs



26 395 individuals have become IDPs as a result of the 2008 war
9 077 households

6 714 households displaced as a result of the 2008 war have been provided with long-term accommodation

DURING MILITARY ACTIONS OF 2008

163 000 WERE REGISTERED AS INTERNALLY DISPLACED



36 000

MOVED TO
NORTH OSSETIA

with most of them returning
by 3 September 2008

127 000

MOVED TO THE GEORGIAN
CONTROLLED TERRITORY

In 2009,
100 000 persons returned to their homes

RIGHTS OF CITIZENS RESIDING ON THE OCCUPIED TERRITORIES

Russia's recognition of Abkhazia and Tskhinvali Region as independent and its consolidation of control over these regions have further exacerbated the difficulties facing local communities. In addition to the appalling consequences of the war, over the years local health and education systems have been ignored; nepotism and corruption have blossomed; the population has been left unprotected against authoritarian governance; free expression has been regarded as "betrayal of the homeland;" and civil society organizations and their members have faced constant pressure.

The year 2014 saw the closure of several non-governmental organizations while any person who dares to voice criticism is subject to intimidation from the de facto authorities. Those who take part in confidence and peace-building initiatives and do not shy away from keeping contacts with Georgian counterparts face strong pressure.

The Public Defender is concerned with the human rights situation facing ethnic Georgians residing on the Occupied Territories, as well as widespread discrimination on grounds of ethnicity. Restricted freedom of movement and freedom of expression, lack of clarity with respect to personal identification documents and limited access to native language education are just several in a long list of problems ethnic Georgian communities face on the Occupied Territories on a daily basis.

Both in Abkhazia and Tskhinvali Region, Georgian as a language of instruction in schools and pre-schools has been completely replaced by Russian (since 2015 and 2017, respectively). Other ethnic groups are not affected by the change, which qualifies it as discrimination on grounds of ethnicity against ethnic Georgian communities.

Abkhazia's ethnic Georgians have been facing new complications regarding movement across the Line of Occupation since the de facto authorities shut down all but one checkpoint. This decision has resulted in increased commute times and fares for 3,400 fami-

THE TAMAR MEARAKISHVILI CASE

In 2017, de facto law enforcement officials in occupied Tskhinvali Region illegally detained Akhagori-based activist Tamar Mearakishvili on two occasions, launching a criminal case against her on alleged defamation and falsification of documents charges.

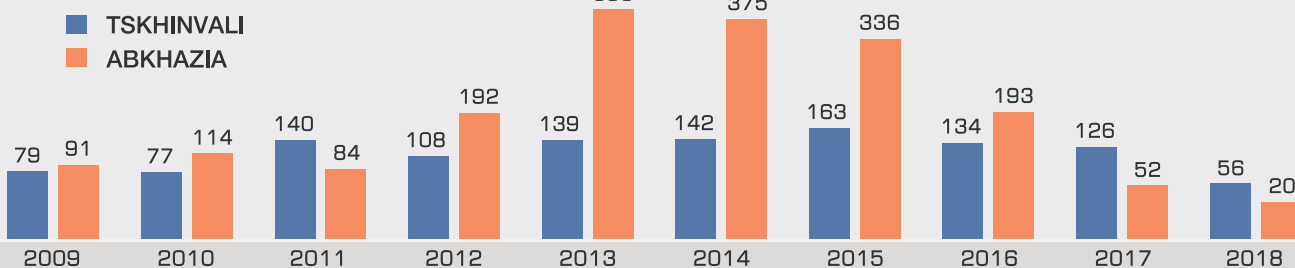
Mearakishvili has a long record of cooperating with international media outlets and non-governmental organisations and has been vocal about problems facing Akhagori district, which is the main reason behind the pressure placed on her. The Public Defender of Georgia believes that Tamar Mearakishvili has been deprived of her right to liberty and her right to free expression remains restricted. Criminal prosecution against Mearakishvili might also be an attempt by the de facto authorities to force her to leave the region.

lies, leading to endless lines at the Enguri Bridge. The closure of checkpoints has especially affected local farmers who trade small amounts of agriculture produce and senior citizens who routinely cross the Line of Occupation for the purpose of maintaining family ties and receiving social, health and other services.

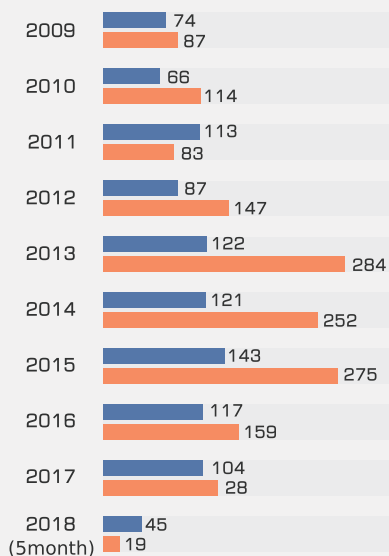
ILLEGAL DETENTIONS

Statistics of illegal detention cases across the Line of Occupations with Abkhazia and Tskhinvali Region reported by the Georgian authorities.

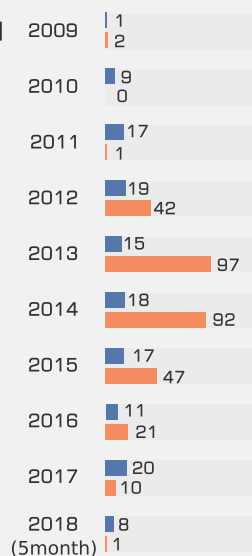
TOTAL NUMBER OF DETAINEES



MEN



WOMEN



MINORS



According to the Russian government and de facto authorities 15,000 persons were detained on the Line of Occupation with Abkhazia in 2009-2016, while 1,063 were detained on the Line of Occupation with South Ossetia in 2016-2017

THE PUBLIC DEFENDER'S WORK FOR ENSURING THE PROTECTION OF RIGHTS OF CONFLICT-AFFECTED PERSONS

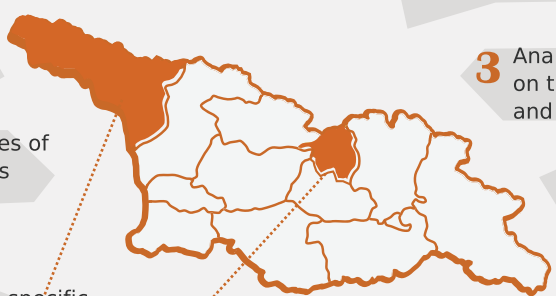
Pursuant to authority enshrined in the Georgian Constitution, the Public Defender oversees the human rights situation in the country and assists citizens in redressing violations. One of the priorities of the Office of the Public Defender's work is to monitor and report on the human rights situation on the Occupied Territories.

Regardless of numerous recommendations and requests to the Russian Federation and de facto authorities, international human rights and monitoring organizations have no access to the Occupied Territories. This leads to a scarcity of information on the human rights situation. Thus, the Public Defender's Office has been taking all available measures to ascertain and assess the human rights situation on these territories using both open sources as well as its own sources of information.

The Public Defender of Georgia frequently pays personal visits to local residents of villages which have been affected by the installation of barbed wire. The Public Defender also personally meets with representatives of various professional groups from the Occupied Territories. In 2017 alone, the Public Defender's representatives visited former collective settlements more than 300 times and provided legal counselling to more than 850 IDPs. Issues related to the rights of conflict-affected and internally-displaced persons are highlighted in separate chapters of the Public Defender's annual parliamentary report. Between 2014 and 2017, the Public Defender issued nine recommendations and proposals to the Government of Georgia and submitted one legal legislative proposal to the Georgian Parliament regarding the rights of the conflict-affected population. In addition, 14 recommendations and proposals have been issued to respective agencies for ensuring the protection of rights of IDPs.

THE RIGHTS OF CONFLICT-AFFECTED PERSONS

THE PUBLIC DEFENDER HAS WORKED OUT A STRATEGY FOR 2016-2020 AND AN ACTION PLAN FOR 2016-2017, AS WELL AS 11 SPECIAL REPORTS ON:

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- 1 The rights situation of the conflict-affected population (2016)
 - 2 The rights of women and children in the conflict-affected regions (review of the years of 2014-2016)
 - 3 Analysis of the Law of Georgia on the Occupied Territories and recommendations
 - 4 The human rights situation in the villages located near the dividing line in Samegrelo-Zemo Svanet
 - 5 The rights situation of the conflict-affected population in Georgia (2015)
 - 6 The right to education in the Gali district: 2015-2016; new developments and problems in the new academic year
 - 7 The rights situation of the conflict-affected population in Georgia (2014)
 - 8 Migration of the Ossetian community of Georgia and specific citizenship-related problems
 - 9 Zardaantkari: Consequences of war and livelihood problems
 - 10 Special information survey on the situation of the persons detained at the administrative border
 - 11 The impact of the cancelation of checkpoints on the rights situation of people living along the dividing line of Abkhazia



One of the important directions and priorities of the Public Defender's activities is to examine and monitor the rights of conflict-affected persons, including those living in the occupied territories

The Public Defender's official website, including special reports, is available in the Abkhazian language

CONTACT

TBILISI, 150 David Aghmashenebeli ave. Tbilisi 0112

Tel: +995 32 2234499/+995 322 995898

Email: info@ombudsman.ge

ZEMO SVANETI

MESTIA SETI SQUARE 19

MOB: 596 17 41 41

OZURGETI

14 CHAVCHAVADZE STREET

TEL: 0496 27 30 53

MOB: 593 44 44 27

AKHALKALAKI

4 CHAVCHAVADZE STREET

TEL: 0362 22 32 83

MOB: 577 12 27 70

591 96 88 82

ZUGDIDI

58 KOSTAVA STREET

TEL: 0415 22 36 11

MOB: 595 52 53 56

BATUMI

9 MAZNIASHVILI STREET

TEL: 0422 27 05 44

MOB: 595 80 78 43

MARNEULI

51 RUSTAVELI STREET

TEL: 0357 22 19 70

MOB: 595 52 53 57

GORI

1 SAMEBA STREET

TEL: 0370 27 05 49

MOB: 551 66 14 77

KUTAISI

18 RUSTAVELI STREET

TEL: 0431 25 33 50

MOB: 577 55 33 81

TELAVI

3 CHOLOKASHVILI STREET

TEL: 0350 27 99 27

MOB: 591 88 35 38

HOTLINE - 1481



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