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الجمعية العامة
مجلس الأمن



مجلس الأمن
السنة السادسة والسبعون

الجمعية العامة

الدورة الخامسة والسبعون

البند 35 من جدول الأعمال

النزاعات التي طال أمدتها في منطقة مجموعة بلدان جورجيا
وأوكرانيا وأذربيجان ومولدوفا وآثارها على السلام والأمن
والتنمية على الصعيد الدولي

رسالتان متطابقتان مؤرختان 12 شباط/فبراير 2021 موجهتان إلى الأمين العام ورئيس
مجلس الأمن من الممثل الدائم لجورجيا لدى الأمم المتحدة

يشرفني أن أحيل إليكم طيه التقرير التجميعي لعام 2020 عن انتهاكات حقوق الإنسان في أراضي
جورجيا التي تحتلها روسيا (انظر المرفق)*.

أرجو ممتنا تعميم هذه الرسالة ومرفقها باعتبارهما وثيقة من وثائق الجمعية العامة، في إطار
البند 35 من جدول الأعمال، ومن وثائق مجلس الأمن.

(توقيع) كاها إماندزه
الممثل الدائم



مرفق الرسالتين المتطابقتين المؤرختين 12 شباط/فبراير 2021 الموجهتين إلى الأمين العام ورئيس مجلس الأمن من الممثل الدائم لجورجيا لدى الأمم المتحدة



**2020 Compilation Report
on the human rights violations
in the Russia-occupied territories of Georgia**

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1. Introduction

1. Human rights situation remains alarming in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia where against the backdrop of ethnic discrimination, violations of right to life, torture and ill-treatment, arbitrary detentions, kidnappings, restriction of the freedom of movement, infringement of right to property, violations of right to health, restrictions on education in native language, *inter alia*, the local population residing therein is deprived of minimal safeguards for their lives. Discrimination on the ethnic grounds in the Russia-occupied territories of Georgia has become even worrisome in the context of the COVID-19 virus outbreak.

2. The Report contains information on the human rights violations in the territories of Georgia under Russia's occupation (Abkhazia and Tskhinvali regions) for the year 2020. The Report is mostly based on the findings of International Organizations and aims to contribute to the provision of regular and updated information to the international community on the human rights situation in the Russia-occupied territories of Georgia.

2. Occupation and responsibility of the occupying power

3. The responsibility of the occupying power derives from international humanitarian law, which has long defined the rules on occupation, complemented by the human rights law binding any state exercising effective control over a territory. The overarching principle is that the occupying power has an obligation to ensure the well-being of the population. In full disregard for international law including in violation of the principle of non-interference by States in the internal affairs of others (Article 2(4) of the UN Charter), the Russian Federation as the power exercising effective control over the occupied Abkhazia and Tskhinvali regions of Georgia, has intensified steps towards their factual annexation, seeking full incorporation of these territories into its military, political and economic systems. The Russian Federation, as the occupying power has clear obligation to protect the local population of the occupied Abkhazia and Tskhinvali regions of Georgia and bears full responsibility for violations of human rights and fundamental freedoms therein.

4. On 30 January 2020 the Parliamentary Assembly of the Council of Europe adopted the **Resolution 2325 on "the progress of the Assembly's monitoring procedure."** In the document PACE called "on the Russian Authorities to end and reverse ... creeping annexations of the Georgian regions of South Ossetia and Abkhazia."¹

¹ Resolution 2325 on "the progress of the Assembly's monitoring procedure" Parliamentary Assembly of the Council of Europe (PACE), 30 January 2020, available at <<http://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=28597&lang=en>>.

5. On 21 October 2020 the Committee of Ministers of the Council of Europe adopted yet another **Decision on the agenda item “Council of Europe and the Conflict in Georgia.”** According to the Decision “... 12 years after the armed conflict between the Russian Federation and Georgia, the Russian Federation continues to impede the peaceful conflict resolution process and to undermine the security and stability in the wider region through its continuing military presence in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, increased military exercises and infrastructure reinforcements, including the erection of fences by the authorities exercising effective control in South Ossetia, in the Gugutiantkari and Chorchana/Tsnelisi areas, the implementation of the so-called treaties on alliance and strategic partnership/integration, incorporation of military units of the Tskhinvali region of Georgia into the armed forces of the Russian Federation, the creation of a so-called ‘joint group of armed forces’ in the Abkhazia region, establishment of so-called ‘joint information and co-ordination centres of law enforcement agencies’, as well as the functioning of so-called ‘customs points’ in both Georgian regions, aimed at the integration of these regions respectively into the customs sphere of the Russian Federation.” Furthermore, in the Decision, the CoE Member States reiterated that “any illegal act by the Russian Federation aimed at changing the status of the Georgian regions, including through issuing Russian passports and so-called residents’ permits, thus establishing a so-called status of foreign residents, have no legal effect and further complicate the situation on the ground.” The CoE Member States “called upon the Russian Federation to stop and reverse this illegal process and to comply with its international obligations and commitments, including under the EU mediated 12 August 2008 Ceasefire Agreement, in particular with regard to the withdrawal of military and security forces from the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and allowing the establishment of international security mechanisms on the ground.” Moreover, according to the Decision, “Georgia, as the only sovereign State under international law over its regions of Abkhazia and Tskhinvali region/South Ossetia, is still prevented from exercising the legitimate jurisdiction over these regions due to the continuous impediments put up by the Russian Federation, including its continuing military presence therein.”²

6. The responsibility of the Russian Federation as the occupying power was once again underlined in the **Resolution on “Implementation of the EU Association Agreement with Georgia”** adopted by the European Parliament on 16 September 2020. Particularly, in the Resolution the European Parliament strongly condemned “the illegal occupation of the Georgian regions of Abkhazia and Tskhinvali/South Ossetia by the Russian Federation” and called “on the Russian Federation to fulfil its obligations under the EU-mediated ceasefire agreement of 12 August 2008, notably to withdraw all its military forces from Georgia’s occupied territories.” Moreover, the European Parliament deplored “the constant violations by the Russian Federation, which exercises effective control over the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, of

² Committee of Ministers’ Decision “Council of Europe and the Conflict in Georgia”, adopted at the CoE Ministers Deputies’ 1386th meeting, 21 October 2020, available at https://search.coe.int/cm/pages/result_details.aspx?objectid=0900001680a014eb.

the fundamental rights of the people in these occupied regions.”³

7. On 17 August 2020 the **Report (A/HRC/45/54) of the United Nations High Commissioner for Human Rights on “Cooperation with Georgia”** was issued. According to the document “... the authorities in control in Abkhazia and South Ossetia are responsible for protecting the human rights of all people residing under their control as well as for addressing any conduct that violates their human rights.”⁴

8. On 16 April 2020 the Amnesty International issued the **Report on “Human Rights in Eastern Europe and Central Asia.”** The document stressed that during the reporting period “the Russian Federation retained a military presence in and overall control of the breakaway regions of Abkhazia and South Ossetia/Tskhinvali Region.”⁵

9. On 11 March 2020 the U.S. Department of State published “**Georgia 2019 Human Rights Report**”, which emphasized that “de facto authorities in the Russian-occupied regions of Abkhazia and South Ossetia remained outside central government control and were supported by Russian forces.”⁶

10. “**Human Right and Democracy Report 2019**” by the United Kingdom’s Foreign and Commonwealth Office published on 16 July 2020, speaks about the occupied territories of Georgia. In particular, according to the Report “in Georgia’s breakaway regions of Abkhazia and South Ossetia, increased Russian interference led to a sharp deterioration in the human rights situation.”⁷

11. In full disregard for fundamental norms and principles of international law and blatant violation of Georgia’s sovereignty and territorial integrity, the so-called “presidential elections” took place in the Russia-occupied Abkhazia region on 22 March 2020. This illegal so-called “elections” represented yet another futile attempt by the Russian Federation as the occupying power to legitimize the ethnic cleansing, the occupation and factual annexation process in the occupied Abkhazia region. The so-called “elections” in the Russia-occupied Abkhazia region of Georgia was condemned by the international community. For instance, in the **Resolution on “Implementation of the EU Association Agreement with Georgia”** the European Parliament underlined that “... attempts

³ Resolution on “Implementation of the EU Association Agreement with Georgia”, European Parliament, 16 September 2020, available at <https://www.europarl.europa.eu/doceo/document/TA-9-2020-0221_EN.pdf>.

⁴ Report (A/HRC/45/54) of the United Nations High Commissioner for Human Rights on “Cooperation with Georgia”, 17 August 2020, paragraph 40, available at <<https://undocs.org/en/A/HRC/45/54>>.

⁵ Amnesty International Report on “Human Rights in Eastern Europe and Central Asia”, 16 April 2020, pg: 14, available at <<https://www.amnesty.org/download/Documents/EUR0113552020ENGLISH.PDF>>.

⁶ “Georgia 2019 Human Rights Report”, the U.S. Department of State, 11 March 2020, pg: 2, available at <<https://www.state.gov/wp-content/uploads/2020/03/GEORGIA-2019-HUMAN-RIGHTS-REPORT.pdf>>.

⁷ “Human Right and Democracy Report 2019”, the United Kingdom’s Foreign and Commonwealth Office, 16 July 2020, pg: 54, available at <https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/902494/FCO1414_FCO_AHRR_2019_-_accessible.pdf>.

to destabilize Georgia are continuing, inter alia via the implementation of so-called ‘treaties’ between the Russian Federation and the Georgian regions of Abkhazia and Tskhinvali/South Ossetia, ... and the holding of so-called ‘presidential elections’ in Abkhazia in March 2020.”⁸ On 22 April 2020 the European Union issued an official **Statement on the Secretary General’s 21st Consolidated Report on the conflict in Georgia**. According to the statement “the EU, in line with its policy of non-recognition and engagement vis-à-vis the Georgian regions of Abkhazia and South Ossetia, does not recognise the constitutional and legal framework in which the so-called ‘presidential elections’ held in Georgia’s Abkhazia region on 22 March 2020 took place.” Furthermore, the EU reiterated its concern “about the continuing Russian illegal military presence and ‘borderization’ activities in the Georgian regions of Abkhazia and South Ossetia” and condemned “the implementation of the so-called treaties and deriving agreements.”⁹ The EU pointed out the same issue in its official **Statement on the Secretary General’s 22nd Consolidated Report on the conflict in Georgia** made on 25 November 2020. In addition, grave concern was expressed over the “large-scale military drills ‘Kavkaz 2020’ partly held on Georgia’s soil.”¹⁰ In both its statements the EU called on the Russian Federation as the occupying power to fully implement the 12 August 2008 Ceasefire Agreement and its subsequent implementing measures of 8 September 2008.¹¹ On 30 March 2020 the **co-rapporteurs of the Parliamentary Assembly of the Council of Europe on Georgia** reiterated their full support for the territorial integrity and sovereignty of Georgia within its internationally recognized borders and addressed the so-called “repeat presidential elections” in the Russia-occupied Abkhazia region of Georgia held on 22 March 2020 “neither legal nor legitimate.”¹²

⁸ See footnote 3.

⁹ The EU Statement on the Secretary General’s 21st Consolidated Report on the conflict in Georgia, 22 April 2020, available at <https://eeas.europa.eu/delegations/council-europe/77812/1374th-meeting-committee-ministers-22-april-2020-eu-statement-secretary-generals-21st_en>.

¹⁰ The EU Statement on the Secretary General’s 22nd Consolidated Report on the conflict in Georgia, 25 November 2020, available at <https://eeas.europa.eu/delegations/council-europe/89377/eu-statement-secretary-generals-22nd-consolidated-report-conflict-georgia_en>.

¹¹ See footnotes: 9 and 10.

¹² “PACE monitors react to so-called ‘elections’ in the Georgian region of Abkhazia”, 30 March 2020, available at <<https://pace.coe.int/en/news/7834/pace-monitors-react-to-so-called-elections-in-the-georgian-region-of-abkhazia>>.

3. Occupation line and restriction of the freedom of movement

12. The right to freedom of movement is not only a freestanding right but is reinforced by and gives meaning to other human rights. The common notion of the freedom of movement derived from the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms regards this right as integral to personal liberty of the individual.¹³ In violation of the right to freedom of movement the citizens of Georgia continue to be restricted to enter the Russia-occupied Abkhazia and Tskhinvali regions of Georgia. Closure of the so-called “crossing points” and continuous restriction of the freedom of movement have extremely aggravated the humanitarian circumstances therein, separating the Russia-occupied regions of Georgia and Georgian citizens from the rest of the Georgian territory.

13. Unfortunately, the COVID-19 pandemic and consequent restriction of the freedom of movement has further put in peril residents of the Russia-occupied territories of Georgia. The tragic case of 65 years old resident of occupied village Okumi, Gali district - Mr. Otar Jobava, who drowned in Enguri on 25 August, while trying to swim over the river, in an attempt to get from the Russia-occupied Abkhazia region to the Georgian Government controlled territory in order to solve the problem related to his pension documents, is one of the vivid examples in this regard.

14. In the **Resolution 2325 on “the progress of the Assembly's monitoring procedure”** PACE called on the Russian authorities to implement a series of concrete measures “to end and reverse the ongoing ‘borderisation’ ...”¹⁴

15. On 22 June 2020 the UN Human Rights Council adopted the **Resolution 43/37 on “Cooperation with Georgia.”** In the Resolution, the UNHRC expressed serious concern “at the continuous process of installation and advancement of barbed wire fences and different artificial barriers along the administrative boundary line in Abkhazia, Georgia and Tskhinvali region/South Ossetia, Georgia and adjacent areas.” The UNHRC also noted with concern that “the situation of human rights has deteriorated in both regions, particularly due to growing restrictions on freedom of movement.”¹⁵

16. According to the **Decision of the Committee of Ministers'**, the CoE Member States deeply regretted that the Russian Federation as the occupying power “continues installing razor and barbed wire fences and other artificial obstacles along the administrative boundary lines (ABLs), dividing families and communities, violating human rights and fundamental freedoms ...”

¹³ Article 13 (1) of the Universal Declaration of Human Rights; Article 12 of the International Covenant on Civil and Political Rights; Article 2 of the Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁴ See footnote 1.

¹⁵ The UN Human Rights Council (UNHRC) Resolution 43/37 on “Cooperation with Georgia”, 22 June 2020, available at <<https://undocs.org/A/HRC/RES/43/37>>.

Furthermore, CoE Member States expressed grave concern “about the continuous restrictions on crossing into the Abkhazia region, and lengthy closure of ‘crossing points’ in Tskhinvali region/South Ossetia, which lead to severe humanitarian consequences for the local population.” In the document particular concern was expressed “over the intensified discrimination of Georgians on the grounds of ethnicity in both Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, particularly in the Gali and Akhagori districts, through further restrictions to freedom of movement, residence rights” Moreover, the CoE Member States reiterated their call “to the authorities exercising effective control to remove any impediment, restriction or limitation to the right to freedom of movement across the administrative boundary lines (ABLs)”¹⁶

17. In the **Resolution on “Implementation of the EU Association Agreement with Georgia”** the EU strongly condemned “... the ongoing illegal installation of barbed wire fences and other artificial obstacles (‘borderisation’) along the Administrative Boundary Line by Russian and de facto South Ossetian security actors ...” and demanded that “the de facto authorities in Abkhazia and Tskhinvali region/South Ossetia reopen closed crossing points without delay and desist from limiting freedom of movement in those Regions.”¹⁷

18. On 22 April 2020 the Committee of Ministers’ Deputies of the Council of Europe discussed the Secretary General’s **21st Consolidated Report on “the Conflict in Georgia.”** According to the Report “the human rights and humanitarian situation of the conflict-affected communities remained under strain, notably due to persisting and/or newly imposed restrictions on freedom of movement”¹⁸ Furthermore, the document stressed that the so-called “borderisation” process is continuing at an incremental level and still constitutes a major obstacle to freedom of movement.¹⁹

19. The dire humanitarian situation in the Russia-occupied territories of Georgia was further reviewed in the SG’s **22nd Consolidated Report on “the Conflict in Georgia”** discussed on 25 November 2020 by the Committee of Ministers’ Deputies of the Council of Europe. In particular, the document underlined that “restrictions on freedom of movement complicate medical treatment, people’s access to basic rights and services in the territory controlled by the Georgian central government, as well as access to livelihoods.”²⁰ Moreover, according to the Report “so-called ‘borderisation’ activities have reportedly continued during the period under review, including in terms of refurbishing existing structures and/or adding fences.”²¹ Unfortunately, the closure of

¹⁶ See footnote 2.

¹⁷ See footnote 3.

¹⁸ 21st Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (CoE SG), 22 April 2020, Paragraph 25, available at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016809e1775>.

¹⁹ *Ibid*, Paragraph 28.

²⁰ 22nd Consolidated Report on the Conflict in Georgia, Secretary General of the Council of Europe (CoE SG), 25 November 2020, Paragraph 41, available at <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680a066cb>.

²¹ *Ibid*, Paragraph 36.

the so-called “crossing points” drives people to desperate measures. In this regard, the Report pointed out that “several cases of people swimming across the river have been reported, including the case of a 65-year old man who, on 25 August 2020, lost his life in an attempt to reach the Tbilisi-controlled territory supposedly to solve a problem related to his pension documents” adding that “a month after, on 23 September, another resident died in similar circumstances in an attempt to reach the Tbilisi-controlled territory to get medical treatment.”²²

20. In the *Statement on the Secretary General's 21st Consolidated Report on the conflict in Georgia*, the EU stressed that “unprecedented restrictions on freedom of movement, on-going installation of razor and barbed wire fences and other artificial barriers on residents’ property, dividing families and communities also result in increased isolation and impoverishment, which could in turn lead to further displacement.” Furthermore, the EU called “on the de facto authorities of Georgia's Abkhazia and South Ossetia regions to ensure that residents are not deprived of any basic rights, such as ... the freedom of movement.”²³ In addition, the EU in its *Statement on the Secretary General's 22nd Consolidated Report on the conflict in Georgia*, pointed out that the ongoing violations of the freedom of movement, including through the closure of the so-called “crossing points”, severely affect the security, safety and well-being of the local population, particularly during the COVID-19 pandemic. Therefore, the EU called “for the immediate reopening of the ‘crossing points’ ...”²⁴

21. *Report (A/74/878) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”* issued on 3 June 2020 speaks about the obstacles restricting the freedom of movement in the Russia-occupied territories of Georgia. In particular, “it is important to note that the concerns regarding limitations on basic rights, including freedom of movement, increased following the signing in 2015 of two so-called laws: the ‘Law on the Legal Status of Foreigners in Abkhazia’ and the ‘Law on Procedures of Exit from the Republic of Abkhazia and the Entry into the Republic of Abkhazia’” (similar new “laws” were also introduced by the authorities in control in South Ossetia) reads the Report. In this respect, the UN Secretary-General urged “the authorities in control in Abkhazia to take all measures necessary to facilitate freedom of movement ...”²⁵ According to the document “since 1 January 2019, the authorities in control in Abkhazia have banned holders of the old Abkhaz ‘passports’ from crossing the administrative boundary line” and “the repeated changes in policies related to documentation and challenges experienced in obtaining documentation to enable crossings, as well as the repeated closure of crossing points, have resulted in concerns among the affected population about future developments and the impact that they may have on

²² *Ibid*, Paragraph 39.

²³ See footnote 9.

²⁴ See footnote 10.

²⁵ Report (A/74/878) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, 3 June 2020, Paragraph 17, available at <file:///C:/Users/User/Downloads/A_74_878-EN.pdf>.

the ability to stay in contact with family, maintain access to markets and benefit from medical and other services.”²⁶ Furthermore, according to the Report “regrettably, the so-called ‘borderization’ measures along the administrative boundary lines with both South Ossetia and Abkhazia continued throughout the reporting period” and “further obstacles to the freedom of movement continued to be observed along the administrative boundary lines, including so-called ‘state border signs’, watch posts and surveillance equipment” (26). “The lack of proper documents, continuing ‘borderization’ measures and the earlier closure of four of the six crossing points in 2016 and 2017 further restricted the ability of some in Abkhazia – in particular those living in the area adjacent to the crossing points – to cross the administrative boundary line” and “the closure of the Nabakevi/Nabakia and Otabaia - 2/Bgoura crossings continues to negatively affect the movement across the administrative boundary line ...” reads the Report. Thereby, the Secretary-General reiterated his call “for the reopening of the closed crossing points ...” (27). Moreover, the Secretary-General concluded that “the issue of freedom of movement across the administrative boundary line has security, humanitarian and human rights dimensions and remains of the utmost importance to the local population” and “developments during the reporting period were marked by two trends: enhanced control and limitations and further formalization of the documentation conditioning the ability to cross the administrative boundary line” (47). Hence, the Secretary-General has remained concerned “by the recent security challenges prompted by continued negative trends related to the so-called ‘borderization’, restrictions on the freedom of movement ...” and “about the continued imposition of restrictions on crossing points along the ‘dividing lines’ for an extended period” (61).

22. According to the **Report (A/HRC/45/54) of the UNHCHR on “Cooperation with Georgia”** “during the reporting period, unnecessary and disproportionate restrictions on freedom of movement remained of primary concern in both Abkhazia and South Ossetia and adjacent areas, in particular along the Administrative Boundary Lines.”²⁷ Furthermore, the document reads as follows: “over the past year, a continued process of the so-called ‘borderization’ was enforced periodically along the Administrative Boundary Lines concerning Abkhazia and South Ossetia, including during the COVID-19 crisis” it involved, among other measures “the installation of barbed wire fences, ‘border signs’ and trenches, combined with surveillance and strict controls.”²⁸ Moreover, the Report stressed that “in South Ossetia, the requirement introduced in February 2019 for inhabitants of Akhlagori to apply for an additional ‘permit’ to cross the Administrative Boundary Line – without which the persons concerned could not cross – remained in place during the reporting period” (49). Accordingly, the Report pointed out that “... growing restrictions on freedom of movement have exacerbated the isolation and vulnerability of the populations in these regions” (43). Therefore, the High Commissioner addressed to “all relevant parties” to “take all measures necessary to identify sustainable solutions regarding ‘personal identity’ and ‘crossing’

²⁶ *Ibid*, Paragraph 20.

²⁷ See footnote 4.

²⁸ *Ibid*, Paragraph 47.

documentation to ensure equality among all residents in both regions in fully exercising and enjoying all human rights” (80).

23. In its ***Report on “Human Rights in Eastern Europe and Central Asia”*** the Amnesty International concluded that “in the breakaway territories of South Ossetia/Tskhinvali Region and Abkhazia, ongoing efforts by Russian forces and the de-facto authorities to physically restrict freedom of movement with the rest of Georgia eroded living standards and the economic, social and cultural rights of local people.” In particular, the Amnesty International stressed that “Russian forces and de facto authorities in the breakaway territories of Abkhazia and South Ossetia/Tskhinvali Region continued to install physical barriers and restrict movement across the division line with the rest of Georgia” and “this encroaching fencing along the line deprived local communities of access to orchards, pasture, and farmland negatively affecting their rights to livelihood and an adequate standard of living.”²⁹

24. According to the ***“Georgia 2019 Human Rights Report”*** by the U.S. Department of State “de facto authorities and Russian occupying forces” limited the freedom of movement to the occupied Abkhazia and Tskhinvali regions of Georgia. Furthermore, the document stressed that “residents of Abkhazia who had Georgian citizenship could not use their Georgian passports to cross the Abkhazia ABL to or from TAT ...” and “de facto authorities and Russian forces in the Russian-occupied territories also restricted the movement of the local population across the ABL.” Moreover, according to the Report “de facto authorities continued to expand fencing and other physical barriers along the ABL between TAT and South Ossetia” and “this expansion of the Russian ‘borderization’ policy further restricted movement, creating physical barriers and obstructing access to agricultural land, water supplies, and cemeteries.”³⁰

25. ***“Human Right and Democracy Report 2019”*** by the United Kingdom’s Foreign and Commonwealth Office underlined that “continued closure of the majority of crossing points along the Administrative Boundary Line raised tensions and resulted in ... severe restrictions on freedom of movement”³¹

26. ***Report of the Public Defender of Georgia on “Situation of Protection of Human Rights and Freedoms in Georgia for 2019”*** of 2 April 2020 stressed that “the formal regime introduced by the De-facto authorities and the Russian border forces, referring to artificial reasons, limits the movement of local residents, while periodically, the checkpoints are closed altogether.” The Report underlined that “the majority of the population living in the Akhlagori District has residences, small farms and jobs on the Georgia-controlled territory, in Tserovani IDP settlement” and “after the closure of the checkpoint, some of the residents stayed in the Akhlagori district, while

²⁹ See footnote 5, pg: 4; 15.

³⁰ See footnote 6, pg: 24-26.

³¹ See footnote 7.

their family members were on the Georgia-controlled territory” as a result “both those living in Akhgori district and those in Georgia-controlled territory appeared in dire social and economic situation.”³² The Report also touched upon the restriction of the freedom of movement to the Russia-occupied Abkhazia region of Georgia, in particular “as for the occupied Abkhazia, during 2019, the freedom of movement was restricted several times across the Enguri bridge for various reasons.” “The Public Defender is of the opinion that arbitrary restrictions imposed on the freedom of movement by the De-facto authorities have negative impact on the enjoyment of various rights by local residents as well” reads the document.³³

4. Denial of access

27. While the crisis posed by the COVID-19 pandemic highlights the need for urgent action to cushion the pandemic’s health and economic consequences and protect vulnerable populations, the residents of Georgia’s occupied Abkhazia and Tskhinvali regions, remained deprived of minimal safeguards for their lives that was particularly alarming given that no international human rights monitoring mechanisms were allowed to those regions of Georgia by the occupying power - the Russian Federation. Likewise, the European Union Monitoring Mission in Georgia (EUMM in Georgia), was prevented access to the Russia-occupied territories of Georgia by the occupying power contrary to its mandate, whereby the EUMM shall be operational throughout all of Georgia.³⁴ This together with other destructive actions by the Russian Federation as the occupying power deteriorates already dire humanitarian and human rights situation therein.

28. The UN HRC expressed serious concern “at the repeated denial of access to international and regional monitors, including United Nations human rights mechanisms, to both Georgian regions by those in control of those regions” in the **Resolution 43/37 on “Cooperation with Georgia.”** Furthermore, the Resolution “strongly calls for immediate and unimpeded access to be given to the Office of the High Commissioner and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.”³⁵

29. In the **Decision of the Committee of Ministers’**, the CoE Member States “deeply regretted that neither the Commissioner for Human Rights, Council of Europe monitoring bodies, nor the Secretariat delegation preparing the Secretary General’s consolidated reports, have been granted access to the Georgian regions concerned.” Moreover, the CoE members states “called on the Russian

³² Report of the Public Defender of Georgia on “Situation of Protection of Human Rights and Freedoms in Georgia for 2019”, 2 April 2020, pg: 304-305, available at <<http://www.ombudsman.ge/res/docs/2020070407523954521.pdf>>.

³³ *Ibid*, pg: 305-306.

³⁴ Information about the mandate of the European Union Monitoring Mission in Georgia (EUMM in Georgia), available at <https://eumm.eu/en/about_eumm/mandate>.

³⁵ See footnote 15.

Federation to secure immediate and unrestricted access to the territories beyond the control of the Government of Georgia to the Council of Europe bodies.”³⁶

30. In the **Resolution on “Implementation of the EU Association Agreement with Georgia”** the European Parliament called on the Russian Federation to “... allow the EUMM unhindered access to the whole territory of Georgia.”³⁷

31. “Notwithstanding continued appeals at the international level, regrettably no progress has been made in ensuring unfettered access for international human rights monitoring mechanisms, including those of the Council of Europe, to Abkhazia and South Ossetia,” reads the **21st Consolidated Report on “the Conflict in Georgia”** of the CoE SG.³⁸ In addition, according to the **22nd Consolidated Report on “the Conflict in Georgia”** of the CoE SG “the Secretary General intends to pursue her efforts in view of fact-finding visits to Abkhazia and South Ossetia for the preparation of future consolidated reports.”³⁹ Moreover, both **21st and 22nd Consolidated Reports on “the Conflict in Georgia”** of the CoE SG emphasized that “throughout the reporting period, access for international engagement to South Ossetia remained limited.”⁴⁰

32. Respectively, in its **Statement on the Secretary General's 21st Consolidated Report on the conflict in Georgia** the EU deeply regretted “that the delegation of the Secretariat, the monitoring bodies and the Council of Europe Human Rights Commissioner have not been granted access to the Georgian regions of Abkhazia and South Ossetia” and called “on the authorities exercising effective control to facilitate access to these regions for the relevant bodies of the Council of Europe.” Moreover, the EU urged “the Russian Federation to provide the EU Monitoring Mission with access to the whole territory of Georgia.”⁴¹

33. In his **Report (A/74/878) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** the UN SG indicated that “since the conflict in August 2008, the United Nations has regrettably lacked operational access to South Ossetia” Furthermore, the UN SG encouraged “the relevant stakeholders to actively facilitate unhindered regular access to South Ossetia to allow humanitarian and development agencies to provide assistance to the population and support the particularly vulnerable among those displaced.”⁴² The UN SG also reiterated “the need for all relevant stakeholders on the ground to grant unfettered access for OHCHR to assess the human rights protection needs of the affected population, support related mechanisms and contribute to confidence building.”⁴³ Moreover, the

³⁶ See footnote 2.

³⁷ See footnote 3.

³⁸ See footnote 18, Paragraph 26.

³⁹ See footnote 20, Paragraph 5.

⁴⁰ See footnote 18, Paragraph 23 and footnote 20 Paragraph 32.

⁴¹ See footnote 9.

⁴² See footnote 25, Paragraph 22.

⁴³ *Ibid*, Paragraph 11.

UN SG called “upon all relevant actors to ensure unimpeded access for all categories of personnel of all United Nations agencies and international humanitarian NGOs ...” to the Russia-occupied territories of Georgia (55).

34. “During the reporting period, there was no progress in relation to granting OHCHR access to Abkhazia and South Ossetia pursuant to Human Rights Council resolution 43/37”, reads the **Report (A/HRC/45/54) of the UNHCHR on “Cooperation with Georgia.”**⁴⁴ Moreover, “in the absence of access to Abkhazia and South Ossetia, the challenge of COVID-19 has heightened concerns about the human rights and humanitarian situations in both regions ...” stressed the document.⁴⁵ The High Commissioner therefore reiterated “the call for immediate and unimpeded access for OHCHR and international and regional human rights mechanisms to Abkhazia and South Ossetia to be able to objectively assess the human rights situation and assist all actors concerned in addressing any issues, including to contribute to confidence-building measures” (78). Concerning the situation of human rights in the Russia-occupied Abkhazia region of Georgia, the High Commissioner addressed the recommendation “to all relevant parties” to “lift restrictions that limit operational flexibility and impede the implementation of programmes by international organizations, including in the context of the COVID-19 crisis” and to “facilitate access by the international community, including humanitarian and development actors, to allow delivery of assistance, not least in the context of the COVID-19 pandemic ...” with regard to the situation in the Russia-occupied Tskhinvali region of Georgia (80).

35. “Russian forces and the de facto authorities in the breakaway regions continued to deny access to international monitors, including the unarmed civilian monitoring mission of the European Union (EUMM)” stressed the Amnesty International in its **Report on “Human Rights in Eastern Europe and Central Asia.”**⁴⁶

36. According to the **“Georgia 2019 Human Rights Report”** by the U.S. Department of State “de facto authorities did not allow most international organizations regular access to South Ossetia to provide humanitarian assistance.” Moreover, the Report stressed that “the ICRC did not have access to prisons and detention facilities in Abkhazia.”⁴⁷

5. Violation of right to life; Torture and ill-treatment

37. The right to life is often claimed to be the most important of all human rights because it is the precondition for the exercise of any other fundamental human rights. Torture or ill-treatment as

⁴⁴ See footnote 4, Paragraph 34.

⁴⁵ *Ibid*, Paragraph 42.

⁴⁶ See footnote 5.

⁴⁷ See footnote 6, pg: 2 and 8.

a grave violation of human rights is absolutely prohibited under international law,⁴⁸ which means that there are no exceptions and no justifications for this crime, even in times of emergency. Nevertheless, the tragic incidents of the past years and reporting period prove arbitrarily deprivation of inherent right to life and demonstrate that even the fulfillment of peremptory norms of international law, such as prohibition of torture is not guaranteed in the occupied territories of Georgia by the Russian Federation as the occupying power. These acts together with other destructive actions by the Russian Federation as the occupying power, further deteriorate the situation in terms of accountability of human rights violators.

38. Up to this point the justice has not been served for the cases of torture, inhuman treatment and deprivation of life of Davit Basharuli, Giga Otkhozoria, Archil Tatunashvili and as well as in the case of death of Irakli Kvaratskhelia. This leaves the residents of the Russia-occupied Abkhazia and Tskhinvali regions of Georgia, especially ethnic Georgians extremely vulnerable.

39. Regrettably, the impunity in all those cases has led to another case of deprivation of life of Inal Jabiev on 28 August 2020, who was a victim of torture in a so-called custody in the Russia-occupied Tskhinvali region of Georgia. He died before being transferred to the hospital.

40. In the **Resolution 43/37 on “Cooperation with Georgia”** the UN HRC expressed serious concern “at various forms of reported discrimination against ethnic Georgians, violations of the right to life” Moreover, the UN HRC expressed serious concern further “at the lack of accountability for incidents of ethnically targeted violations of the right to life of Georgians committed in the period from 2016 to 2019, which continues to contribute to impunity in both Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia.”⁴⁹

41. In the **Decision of the Committee of Ministers'**, profound concern was expressed “that the human rights situation in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia has been further deteriorating” including concerns with regard to “... the right to life” Grave concern was also expressed “over impunity around the deaths of Georgian IDPs – David Basharuli, Giga Otkhozoria and Archil Tatunashvili” and “over the death of another Georgian citizen – Irakli Kvaratskhelia – under unclear circumstances at a military base of Russian FSB forces in the Abkhazia region.” Moreover, the CoE Member States reiterated their call “to the authorities exercising effective control to remove any obstacles to the objective investigations into the deaths of ethnic Georgians in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and to bring the perpetrators to justice.”⁵⁰

⁴⁸ Article 5 of the Universal Declaration of Human Rights; Article 7 of the International Covenant on Civil and Political Rights; Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

⁴⁹ See footnote 15.

⁵⁰ See footnote 2.

42. In his *Report (A/74/878) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”* the UN SG expressed concern “... about the reported death in custody of Georgian nationals” and in this regard called “for full, transparent and independent investigations into all such incidents in order to hold those responsible accountable and avoid their reoccurrence.”⁵¹

43. “According to information available, no one has been held accountable for the four cases of arbitrary deprivation of life that occurred between 2014 and 2019 in Abkhazia and South Ossetia” reads the *Report (A/HRC/45/54) of the UNHCHR on “Cooperation with Georgia.”* The High Commissioner also concluded that “this contributes to a climate of impunity, which could lead to further tensions and violence” and called “upon all relevant actors to ensure independent, impartial and thorough investigations into these cases to deliver justice, and to take all measures necessary to prevent the occurrence of similar incidents.”⁵² Furthermore, according to the Report “on 22 October 2019, information and video footage of the beating and other ill-treatment of prisoners at a temporary detention facility in South Ossetia was disseminated on social media, raising concerns about conditions in detention facilities and the treatment of detainees.”⁵³ Moreover, by the document the High Commissioner addressed recommendation to “all relevant parties” to “promptly and thoroughly investigate all allegations of torture and ill-treatment and related deaths, and intensify efforts in establishing accountability, eradicating impunity and preventing the occurrence of similar acts” “in and around Abkhazia and South Ossetia” (80).

44. CoE SG’s *22nd Consolidated Report on “the Conflict in Georgia”* pointed out that “tensions and volatility were reported in South Ossetia following a fatal case of ill-treatment” indeed, “on 28 August 2020, the death in custody of a young man triggered mass protests in Tskhinvali.”⁵⁴

45. In its *Statements on the Secretary General's 21st and 22nd Consolidated Reports on the conflict in Georgia* the EU expressed its deep concern at the “impunity surrounding grave human rights violations in conflict-affected areas, which continue to undermine human security ...” and reiterated its call “for a proper investigation into the tragic deaths of Georgian nationals Archil Tatumashvili, Giga Otkhoshvilia and Irakli Kvaratskhelia and for justice to be served.”⁵⁵ Moreover, the EU called “on the de facto authorities of Georgia's Abkhazia and South Ossetia regions to ensure that residents are not deprived of any basic rights, such as the right to life ... and are not subject to discrimination on any, including ethnic, grounds” in its *Statement on the Secretary General's 21st Consolidated Report on the conflict in Georgia.*⁵⁶

⁵¹ See footnote 25, Paragraph 26.

⁵² See footnote 4, Paragraph 44.

⁵³ *Ibid*, Paragraph 53.

⁵⁴ See footnote 20, Paragraph 18.

⁵⁵ See footnotes: 9 and 10.

⁵⁶ See footnote 9.

46. ***“Georgia 2019 Human Rights Report”*** by the U.S. Department of State stressed that significant human rights issues for the reporting period included “unlawful or arbitrary deprivation of life by Russian and de facto authorities in the Russian-occupied Georgian regions of Abkhazia and South Ossetia, including unlawful or arbitrary killing in Abkhazia.” Furthermore, the document stressed that “there was at least one report that de facto authorities in the Russian-occupied regions of the country committed an arbitrary or unlawful killing.” Moreover, “the de facto ombudsman of Abkhazia claimed there was widespread torture in the Abkhaz penitentiary system” reads the Report.⁵⁷

47. The ***Report of the Public Defender of Georgia on “Situation of Protection of Human Rights and Freedoms in Georgia for 2019”*** stressed that “the facts of the violation of right to life on the occupied territory is still alarming” that was evidenced “by breach of the right to life of David Basharuli back in 2014, Giga Otkhozoria in 2016, Archil Tatumashvili in 2018 and Irakli Kvaratskhelia ...” According to the Report “people directly involved in this murder are representatives of the occupied regimes and still remain unpunished, despite numerous demands.”⁵⁸ The Public Defender of Georgia emphasized that “issues that have been current for years include beating prisoners, ill-treatment and torture in temporary detention isolators or prisons in the occupied territories.” Furthermore, according to the Report “on October 22, 2019, news and video recording were disseminated in the social network and mass media about the beating and ill-treatment of prisoners at the Tskhinvali temporary detention isolator” and “Tskhinvali isolator is presumably where the Georgian citizen, Archil Tatumashvili, died as a result of alleged torture and ill-treatment.”⁵⁹

6. Arbitrary detentions

48. Arbitrary detention is the violation of the right to liberty and security of person that exposes the victim to other human rights violations since they are deprived of means to defend themselves at least from enforced disappearances, torture and other cruel, inhuman or degrading treatment. International human rights instruments protect the right to personal liberty, in that no one shall be arbitrarily deprived of this right.⁶⁰ For instance, Paragraph 1 of Article 9 of the International Covenant on Civil and Political Rights requires that deprivation of liberty must not be arbitrary, and must be carried out with respect for the rule of law. Kidnappings and illegal detentions as a continuation of destructive practice by the Russian Federation as the occupying power further destabilize already severe security, humanitarian and human rights situation in the occupied

⁵⁷ See footnote 6, pg: 1-3.

⁵⁸ See footnote 32, pg: 304.

⁵⁹ *Ibid*, pg: 308.

⁶⁰ Article 9 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Civil and Political Rights; Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

territories of Georgia as well as along the occupation line. Nevertheless, considering the occupation of Abkhazia and Tskhinvali regions of Georgia by the Russian Federation, any decision by the occupation regimes therein are considered null and void and any detention by the Russian occupation forces as illegal.

49. Good attestation of Russia's breach of the EU-mediated 12 August 2008 Ceasefire Agreement, full disregard for the UN Secretary-General's Call for Global Ceasefire, and gross violation of the fundamental rights and freedoms of the local population, is the outrageous case of the local peaceful civilian Zaza Gakheladze, who was shot and wounded by the Russian occupation forces and was illegally detained afterwards and still remains in the so-called custody in the Russia-occupied Tskhinvali region of Georgia.

50. The UN HRC expressed serious concern at various forms of discrimination against ethnic Georgians, including "... deprivation of liberty, arbitrary detentions and kidnapping ... in both Georgian regions" in the **Resolution 43/37 on "Cooperation with Georgia."**⁶¹

51. In the **Decision of the Committee of Ministers'**, the CoE Member States expressed grave concern "over the continued arbitrary detentions of local inhabitants along the administrative boundary lines (ABLs)." Moreover, the CoE Member States reiterated their call "to the authorities exercising effective control to cease arbitrary detentions of persons, including in the context of so-called 'illegal border crossing'" ⁶²

52. "... cases of arbitrary detention for crossing outside the 'crossing points' continue to be reported" reads the **21st Consolidated Report on "the Conflict in Georgia"** of the CoE SG.⁶³ According to the Report "the delegation's attention was also drawn to the arbitrary detention of well-known traumatologist Dr. Vazha Gaprindashvili, detained by the South Ossetian de facto authorities" whose case "had prompted national and international concerns, including by the Council of Europe, which led to Mr Gaprindashvili's release after two months of arbitrary detention."⁶⁴

53. CoE SG's **22nd Consolidated Report on "the Conflict in Georgia"** pointed out the cases of arbitrary detentions of Mr. Kvicha Mghebrishvili and Mr. Zaza Gakheladze. In particular, the Report underlined that in the first case "the ICRC did not have access to that person for weeks" and with regard to the second case "the ICRC was unable to access him for two months, which is also of concern."⁶⁵

54. In its **Statement on the Secretary General's 21st Consolidated Report on the conflict in**

⁶¹ See footnote 15.

⁶² See footnote 2.

⁶³ See footnote 18, Paragraph 34.

⁶⁴ *Ibid*, Paragraph 51.

⁶⁵ See footnote 20, Paragraphs 62 and 63.

Georgia the EU expressed concern at the “lack of progress and reports of ongoing violations of human rights in other areas, including arbitrary detentions, the illegal detention of Mr Vazha Gaprindashvili being one of the examples of this practice.”⁶⁶ Moreover, in another **Statement on the Secretary General's 22nd Consolidated Report on the conflict in Georgia**, the EU called “for the release of all those illegally detained along ABLs, including Georgian citizen Zaza Gakheladze, who was shot and wounded and may face up to 12 years of ‘imprisonment’ under the so-called ‘criminal legislation’ of South Ossetia.”⁶⁷

55. The **Report (A/74/878) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** of the UN SG stressed that “increased surveillance by border guards of the Russian Federation and strict detention practices were also reported.” Furthermore, the UN SG expressed concern “about the continued detention of the civilian population residing along the Abkhazia and South Ossetia administrative boundary lines for so-called ‘illegal crossing’.”⁶⁸ The UN SG regretted “the unfortunate cases of detention.”⁶⁹

56. “OHCHR continued to receive reports of alleged deprivation of liberty, including arbitrary detention, in both Abkhazia and South Ossetia, in connection with ‘unauthorized illegal crossings’” and “people were apprehended or detained mainly for allegedly attempting to cross the Administrative Boundary Lines without carrying the necessary ‘documents’, or for crossing outside the formal crossing points” reads the **Report (A/HRC/45/54) of the UNHCHR on “Cooperation with Georgia.”**⁷⁰ Moreover, the document stressed that “women, elderly persons and children were reportedly among those detained.”⁷¹ The document also stressed that “various reports underscored the emblematic cases of the detention of Vazha Gaprindashvili, a well-known Georgian doctor, by the authorities in control in South Ossetia on allegations of ‘illegal crossing’, on 9 November 2019, and the detention of Aleksandre Kapanadze, in July 2019, in Abkhazia, despite his mental illness” (52).

57. According to the **Report on “Human Rights in Eastern Europe and Central Asia”** of the Amnesty International “in October, the South Ossetian/Tskhinvali Region de facto authorities briefly detained EUMM monitors as they patrolled along the division line.” Moreover, the Amnesty International concluded that “dozens of people were also detained and fined by Russian forces and de facto authorities for ‘illegal border crossings’” The Report also stressed that Dr. Vazha Gaprindashvili was released “after mounting international pressure” on 28 December 2019.⁷²

58. According to **“Georgia 2019 Human Rights Report”** by the U.S. Department of State “there

⁶⁶ See footnote 9.

⁶⁷ See footnote 10.

⁶⁸ See footnote 25, Paragraph 26.

⁶⁹ *Ibid*, Paragraph 64.

⁷⁰ See footnote 4, Paragraph 50.

⁷¹ *Ibid*, Paragraph 51.

⁷² See footnote 5, pg: 14-15.

were frequent reports of detentions of Georgians along the ABLs of both the Russian-occupied regions of Abkhazia and South Ossetia.” For instance, the document stressed that “on December 7, de facto authorities detained four individuals near the occupation line; three were transferred to Tskhinvali Prison” later “one minor was released the same day, while the remaining three were released a few days later after paying a fine to the de facto authorities.”⁷³ The Report emphasized that “villagers who approached the ABL or crossings risked detention by Russian Federation ‘border guards’” and “Russian border guards along the ABL with Abkhazia typically enforced the boundary-crossing rules imposed by de facto authorities through detentions and fines.” Moreover, according to the Report “there were credible reports based on local sources that on several occasions, de facto South Ossetian or Russian ‘border guards’ crossed into TAT to detain an individual” and “there were also reports of arbitrary arrests of ethnic Georgians by de facto authorities, particularly in the Tskhinvali and Gali regions of South Ossetia and Abkhazia, respectively.”⁷⁴ The document also stressed that “prison conditions in Russian-occupied Abkhazia and South Ossetia were reported to be chronically substandard.”⁷⁵

59. According to the “**Human Right and Democracy Report 2019**” by the United Kingdom’s Foreign and Commonwealth Office “continued closure of the majority of crossing points along the Administrative Boundary Line raised tensions and resulted in frequent detentions ... ”⁷⁶

60. According to the **Report of the Public Defender of Georgia on “Situation of Protection of Human Rights and Freedoms in Georgia for 2019”** “on the occupation line, in the direction of Abkhazia, as well as South Ossetia, the vicious practice of detention of the individuals living in Georgia-controlled territories and in the occupied territories still continues.” The Public Defender of Georgia stressed that “illegal detention of Vazha Gaprindashvili, Georgian physician, was especially alarming.”⁷⁷

7. Violation of right to return

61. The right to return as a customary norm of international human rights law has been codified in many international and regional human rights instruments.⁷⁸ However, the right of internally displaced persons to return to their home and property, sometimes referred to as their place of last habitual residence, is most specifically anchored in UN Guiding Principles on Internal

⁷³ See footnote 6, pg: 11.

⁷⁴ *Ibid*, pg: 26.

⁷⁵ *Ibid*, pg: 6.

⁷⁶ See footnote 7.

⁷⁷ See footnote 32, pg: 307.

⁷⁸ UNHCR, Voluntary Repatriation: International Protection, Handbook, 1996, Geneva, available at <<https://www.unhcr.org/uk/3bfe68d32.pdf>>.

Displacement.⁷⁹ Furthermore, UN General Assembly Resolution 74/160 on “Protection of and assistance to internally displaced persons” adopted on 18 December 2019, highlights the right of safe and dignified return of internally displaced persons to their homes. In the same document the General Assembly emphasized that voluntary return of internally displaced persons is one of the necessary element of effective peacebuilding process.⁸⁰ In violation of this notion and other fundamental human rights, hundreds of thousands of IDPs and refugees are deprived of return in safety and dignity to the Russia-occupied Abkhazia and Tskhinvali regions of Georgia.

62. The UN HRC in its **Resolution 43/37 on “Cooperation with Georgia”** expressed concern that “internally displaced persons and refugees continue to be deprived of the right to return to their homes in Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia in a safe and dignified manner.”⁸¹

63. The UN General Assembly adopted the **Resolution 74/300 on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** on 3 September 2020. In the Resolution the General Assembly “recognizes the right of return of all internally displaced persons and refugees and their descendants, regardless of ethnicity, to their homes throughout Georgia, including in Abkhazia and the Tskhinvali region/South Ossetia.” Furthermore, the UN General Assembly “calls upon all participants in the Geneva discussions ... to take immediate steps to ensure respect for human rights and create favourable security conditions conducive to the voluntary, safe, dignified and unhindered return of all internally displaced persons and refugees to their places of origin.” The Resolution “underlines the need for the development of a timetable to ensure the voluntary, safe, dignified and unhindered return of all internally displaced persons and refugees affected by the conflicts in Georgia to their homes.”⁸²

64. In the **Decision of the Committee of Ministers'**, serious concern was expressed that “IDPs and refugees continue to be deprived of their fundamental right to voluntary return to their places of origin in a safe and dignified manner.” Moreover, the CoE Member States reiterated their call “to the authorities exercising effective control to create conditions for the voluntary, safe and dignified return of all IDPs and refugees.”⁸³

65. In the **Resolution on “Implementation of the EU Association Agreement with Georgia”** the European Parliament reiterated its full support “for the safe and dignified return home of internally

⁷⁹ Principle 28 of the UN Guiding Principles on Internal Displacement.

⁸⁰ Resolution 74/160 on Protection of and assistance to internally displaced persons”, UNGA, 18 December 2019, available at <file:///C:/Users/User/Downloads/A_RES_74_160-EN.pdf>.

⁸¹ See footnote 15.

⁸² UNGA Resolution (74/300) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, 3 September 2020, available at <file:///C:/Users/User/Downloads/A_RES_74_300-EN.pdf>.

⁸³ See footnote 2.

displaced persons and refugees” from the Russia-occupied Abkhazia and Tskhinvali regions of Georgia.⁸⁴

66. “During the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of internally displaced persons (IDPs) and refugees on the basis of internationally recognised principles” read the **21st and 22nd Consolidated Reports on “the Conflict in Georgia”** of the CoE SG.⁸⁵

67. Respectively, in its **Statement on CoE SG’s 22nd Consolidated Report on “the Conflict in Georgia”** the EU deeply regretted that “no progress regarding voluntary, safe, dignified and unhindered return of internally displaced persons and refugees on the basis of internationally recognized principles could be reported.”⁸⁶

68. The **Report (A/74/878) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** of the UN SG stressed that “no major changes were observed during the reporting period with regard to internally displaced persons and refugees exercising their right to return ... ”⁸⁷ In the Report the UN SG stressed that “no agreement or timetable for the voluntary return of all refugees and internally displaced persons has been developed ... ” and “Working Group II of the Geneva international discussions could not deal with the issue of voluntary return owing to the continued unwillingness of some participants to discuss the matter.” The UN SG further reiterated that “as long as the conditions for organized return in safety and dignity are not fulfilled and the mechanisms for property restitution are not established, the design of a comprehensive timetable or road map for returns must remain an open matter to be addressed.” Therefore, the UN SG reiterated its call upon all participants in the Geneva International Discussions “to engage constructively on the issue, in accordance with international law and relevant principles, and to abandon the practice of walking out when the issue of the voluntary return of refugees and internally displaced persons is tabled by Working Group II.”⁸⁸ Moreover, according to the Report “there is a complex nexus between the individual right to voluntary, safe and dignified return and the establishment of the conditions conducive to such return.” In particular, “the individual’s right to return, in the case of an internally displaced person, derives from the individual’s right to freedom of movement as stipulated in international human rights instruments” and “return is both a human right and a humanitarian issue and therefore cannot be directly linked to political questions or the conclusion of peace agreements.” Therefore, “it must be addressed irrespective of any solution to the underlying conflict” (38).

⁸⁴ See footnote 3.

⁸⁵ See footnote 18, Paragraph 54 and footnote 20, Paragraph 70.

⁸⁶ See footnote 10.

⁸⁷ See footnote 25, Paragraph 15.

⁸⁸ *Ibid*, Paragraph 58.

69. According to “*Georgia 2019 Human Rights Report*” by the U.S. Department of State “the majority of the approximately 300,000 internally displaced persons (IDPs) from Abkhazia and South Ossetia wished to return to their areas of origin but lacked adequate security provisions and political, human, economic, and movement rights absent a political resolution to the conflicts.”⁸⁹ The Report also stressed that “de facto South Ossetian authorities refused to permit most ethnic Georgians driven out by the 2008 conflict to return to South Ossetia.”⁹⁰

8. Violation of right to health

70. The COVID-19 pandemic that has been recognized as a global public health emergency causing the human rights crisis worldwide, poses unprecedented challenges and creates new vulnerabilities that needs effective recovery efforts by all States. Whereas, the International Covenant on Economic, Social and Cultural Rights recognizes “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health”,⁹¹ it has been even more associated with the access to health care and hospitals during the pandemic. In line with grave human rights violations in the occupied Abkhazia and Tskhinvali regions of Georgia, the Russian Federation as the occupying power fails to protect the right to health and even amid the pandemic continues its destructive actions that have led to fatal cases of the local population residing therein. On the other hand, during the COVID-19 pandemic, the Government of Georgia has done its utmost to provide humanitarian assistance to the conflict-affected people in the Russia-occupied Abkhazia region. The Government of Georgia rapidly repurposed and equipped multi-functional hospital in the village of Rukhi, located near the occupation line to ensure free and unhindered access to medical care from the COVID-19 for the residents of the Russia-occupied Abkhazia region of Georgia. Unfortunately, the Russia-occupied Tskhinvali region remained fully closed for the Georgian Government’s humanitarian offers.

71. It has to be underlined, that the Russian occupation regime in Tskhinvali region has further denied medical evacuations from the occupied Akhagori district, mainly populated by ethnic Georgians, which has led to multiple fatal cases. It is furthermore outrageous that they have been denying medical evacuation on the basis of ethnicity. Moreover, it is worrisome that representatives of Tskhinvali occupation regime removed and prohibited even the sale of Georgian produced and Georgian labeled medicines, thus creating serious deficit of drugs, especially for pensioners.

⁸⁹ See footnote 6, pg: 24.

⁹⁰ *Ibid*, pg: 2.

⁹¹ Article 12 (1) of the International Covenant on Economic, Social and Cultural Rights.

72. The UN Human Rights Council expressed serious concern at the violations of the right to health in the occupied territories of Georgia in the **Resolution 43/37 on “Cooperation with Georgia.”**⁹²

73. In the **Decision of the Committee of Ministers'**, the CoE Member States reiterated their call “to the authorities exercising effective control to cease the denial and/or delay of medical evacuations especially amid the COVID-19 pandemic.”⁹³

74. The **21st Consolidated Report on “the Conflict in Georgia”** of the CoE SG pointed out that “... the de facto authorities had seized Tbilisi-produced medicines in local pharmacies” in the occupied Akhagori district of Tskhinvali region of Georgia therefore, “there are concerns that this practice, coupled with the closure of the crossing points, has created a shortage of medicines and supplies, thus further aggravating the humanitarian situation.”⁹⁴

75. The CoE SG’s **22nd Consolidated Report on “the Conflict in Georgia”** described health and medical issues on the Russia-occupied territories of Georgia. In particular, according to the Report “the situation of people suffering from chronic diseases and/or serious mental health issues is said to be catastrophic ...” and “medicine prices are reported to have gone up, while at the same time access to cheaper medicines from the other side of the line is nearly impossible for most people” reads the document.⁹⁵ With regard to the long-term socio-economic and health related challenges of the COVID-19 pandemic, the Report stressed that “having in mind the deficiencies of the local health care system in Abkhazia and the increase in cases of COVID-19 infections by September 2020, some interlocutors were also particularly worried that the sanitary aspects of the crisis could worsen and have far more dramatic consequences in the short and/or mid-term.”⁹⁶

76. In its **Statement on the Secretary General's 21st Consolidated Report on the conflict in Georgia** the EU called “for the immediate re-opening of all crossing points on the ABL with South Ossetia and the lifting of restrictions on crossings at the ABL with Abkhazia, and especially to allow for medical crossings.”⁹⁷ In another **Statement on the Secretary General's 22nd Consolidated Report on the conflict in Georgia** the EU called for the immediate reopening of the so-called “crossing points” to protect vulnerable, conflict-affected population and ensure equal access to health care, including testing and treatment.⁹⁸

⁹² See footnote 15.

⁹³ See footnote 2.

⁹⁴ See footnote 18, Paragraph 48.

⁹⁵ See footnote 20, Paragraph 44.

⁹⁶ *Ibid*, Paragraph 46.

⁹⁷ See footnote 9.

⁹⁸ See footnote 10.

77. The *Report (A/74/878) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”* of the UN SG stressed that “the temporary closure of the crossing points in early 2019, and again during the second half of the year starting in August, had a negative impact on the population of South Ossetia, including on the ability to access emergency medical and health-care-related services.”⁹⁹ The Report also assessed that “in the first quarter of 2020, the authorities in control in Abkhazia and South Ossetia closed all crossing points to prevent the spread of COVID – 19” and “despite their public health justifications, those closures continue to adversely impact the overall well-being of the population on both sides of the administrative boundary lines, with a particularly marked impact on older persons and other vulnerable communities.”¹⁰⁰ In the Report the UN SG expressed concern about the situation in the context of the unprecedented threat to public health and human security posed by the spread of the COVID-19 and urged all participants in the Geneva international discussions “to refrain from any rhetoric or measures that would have an adverse impact on the security situation and well-being of the population and instead to cooperate on efforts to provide medical and humanitarian support to those affected by the COVID-19 pandemic” (62).

78. “During the reporting period, unnecessary and disproportionate restrictions on freedom of movement remained of primary concern in both Abkhazia and South Ossetia and adjacent areas, in particular along the Administrative Boundary Lines” and “such restrictions have negative consequences on various human rights, including the rights to health” reads the *Report (A/HRC/45/54) of the UNHCHR on “Cooperation with Georgia.”*¹⁰¹ Furthermore, according to the document “the frequent and prolonged closure of crossing points in Abkhazia and South Ossetia by the authorities in control – including in early 2020 as part of measures purportedly to contain the spread of COVID-19 – limited the access of local residents to ... health care, pensions, markets and other services available in the Tbilisi controlled territory.”¹⁰² The Report also assessed that “there is a lack of qualified specialists and general practitioners, inadequate hospital equipment and capacity, and limited supplies of medicines, in Abkhazia and South Ossetia” and “various submissions to OHCHR highlighted how the frequent and lengthy closures of crossing points – in some cases imposed in the context of the COVID-19 pandemic – affected the local community, particularly individuals with chronic medical conditions or suffering from acute diseases, who needed prompt and/or regular medical assistance that was only available in Tbilisi-controlled territory” (54). “Submissions to OHCHR also underlined critical challenges in Gali in the context of the COVID-19 response, namely lack of information, inadequate protection of medical personnel, insufficient distribution of humanitarian aid, and delayed emergency responses” and “OHCHR was also informed that, particularly in rural areas in Abkhazia, where the medical facilities are less well equipped, populations reportedly faced delayed first-aid responses due to poor road conditions or old ambulances, and no health-care facilities were

⁹⁹ See footnote 25, Paragraph 21.

¹⁰⁰ *Ibid*, Paragraph 55.

¹⁰¹ See footnote 4, Paragraph 46.

¹⁰² *Ibid*, Paragraph 48.

equipped to treat people with special needs” reads the Report (56). Therefore, the High Commissioner addressed to “all relevant parties” to “follow recent appeals of the Secretary-General of the United Nations to put aside differences amid the COVID-19 pandemic, and join forces in unity and solidarity to protect the right to health of all people in the area.” Concerning the situation of human rights in the Russia-occupied Tskhinvali region of Georgia, the High Commissioner addressed the recommendation “to all relevant parties” to “guarantee prompt medical assistance and emergency evacuations for all people” (80).

79. The “**Human Right and Democracy Report 2019**” by the United Kingdom’s Foreign and Commonwealth Office stressed that closure of the so-called crossing points and continuous restriction of freedom of movement affected livelihoods of the residents of the Russia-occupied territories of Georgia and their access to healthcare.¹⁰³

80. In the **Report on “Situation of Protection of Human Rights and Freedoms in Georgia for 2019”** the Public Defender of Georgia stressed that “arbitrary restrictions of freedom of movement introduced by the de facto authorities negatively affect the realisation of various rights by the local population, including the right to health.”¹⁰⁴

9. Violation of right to education in native language

81. The right to education is guaranteed by a number of international and regional human rights instruments. The element of native language should be seen as one of the key component for the enjoyment of this right. For instance, Article 26 of the Universal Declaration of Human Rights refers the right to education as the right of everyone,¹⁰⁵ and further recognizes that “everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as ... language.”¹⁰⁶ The same aspect is recognized under Article 28 of the Convention on the Rights of the Child, specifying the right to education, as the right of every child,¹⁰⁷ further stating that it should be ensured “without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's ... language” under Article 2 of the same convention.¹⁰⁸

82. International humanitarian law requires occupying powers to respect and ensure the continued provision of education. In particular, according to Article 50 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War “the occupying power shall, with the co-operation of the national and local authorities, facilitate the proper working of all institutions devoted to the care and education of children” further stating that “should the local institutions

¹⁰³ See footnote 7.

¹⁰⁴ See footnote 32, pg: 17.

¹⁰⁵ Article 26 of the Universal Declaration of Human Rights.

¹⁰⁶ *Ibid*, Article 2.

¹⁰⁷ Article 28 of the Convention on the Rights of the Child.

¹⁰⁸ *Ibid*, Article 2.

be inadequate for the purpose, the occupying power shall make arrangements for the maintenance and education, if possible by persons of their own nationality, language and religion, of children who are orphaned or separated from their parents as a result of the war and who cannot be adequately cared for by a near relative or friend.”¹⁰⁹ This notion once again underlines the significance of the element of native language in proper realization of the right to education. Nevertheless, prohibition of education in native language for the ethnic Georgians in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia remains one of the flagrant violation of fundamental human rights by the Russian Federation as the occupying power, depriving thousands of schoolchildren the right to get the education in native Georgian language. The linguistic discrimination is yet another attack against their identity and dignity. This is a part of far-reaching strategy aimed at Russification of the occupied territories of Georgia.

83. UN Human Rights Council expressed serious concern at the restrictions on education in one’s native language in the Russia-occupied territories of Georgia in the **Resolution 43/37 on “Cooperation with Georgia.”**¹¹⁰

84. In the **Decision of the Committee of Ministers’**, profound concern was expressed at the violation of right to education in native language in the Russia-occupied territories of Georgia. Moreover, the CoE Member States reiterated their call “to the authorities exercising effective control to cease violations of the right to education in schools and preschools, including education in the native Georgian language in both Georgian regions.”¹¹¹

85. According to the **Resolution on “Implementation of the EU Association Agreement with Georgia”** the EU “deplores the constant violations by the Russian Federation, which exercises effective control over the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, of the fundamental rights of the people in these occupied regions, who are being deprived of ... the right of access to education in their native language.”¹¹²

86. In the **Report (A/HRC/45/54) on “Cooperation with Georgia”** the UNHCHR indicated that persistent human rights challenges throughout the reporting period in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia included “allegations of human rights violations resulting from discrimination based on ethnic grounds, particularly affecting ethnic Georgians, such as restrictions on ... rights to education ...”¹¹³ Furthermore, “the frequent and prolonged closure of crossing points in Abkhazia and South Ossetia by the authorities in control – including in early 2020 as part of measures purportedly to contain the spread of COVID-19 – limited the access of local residents to education ...” reads the Report.¹¹⁴ In this respect, the

¹⁰⁹ Article 50 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

¹¹⁰ See footnote 15.

¹¹¹ See footnote 2.

¹¹² See footnote 3.

¹¹³ See footnote 4, Paragraph 42.

¹¹⁴ *Ibid*, Paragraph 48.

document emphasized that “various submissions to OHCHR stated that in July 2019, schoolchildren who wanted to receive higher education in the Tbilisi-controlled territory were unable to take part in the Unified National Examinations due to the closure of Enguri Bridge” (61). Moreover, the document stressed that “various submissions to OHCHR indicated continued restrictions on the use of Georgian as a language of instruction in Abkhazia and South Ossetia, particularly affecting the ethnic Georgian population living in Gali, Abkhazia, as well as in Akhalgori, Znauri and Sinaguri, South Ossetia” (59).

87. The **22nd Consolidated Report on “the Conflict in Georgia”** of the CoE SG stressed that “as regards the situation of education in the Georgian language in schools in Abkhazia, no progress has been noted since the last report.”¹¹⁵ Furthermore, “the COVID-19 pandemic affected the teaching-learning process in the Gali district and brought forward the issue of access to modern technologies: very few students have access to computers and the internet and not all teachers do” reads the Report.¹¹⁶ Moreover, according to the Report “due to the closure of the ‘crossing points’ of Khurcha-Nabakevi, pupils registered at schools in the Tbilisi-controlled territory could not attend class physically and were forced to attend remotely.”¹¹⁷ In this regard, CoE SG’s **21st Consolidated Report on “the Conflict in Georgia”** also underlined that “the number of pupils crossing the Administrative Boundary Line each day for school attendance has been decreasing since 2016, mainly due to the various restrictions imposed on freedom of movement.”¹¹⁸

88. In the **Statement on the Secretary General’s 21st Consolidated Report on the conflict in Georgia**, the EU expressed concern at the “restrictions on access to services and education in one’s native language in both entities” and called “on the de facto authorities of Georgia’s Abkhazia and South Ossetia regions to ensure that residents are not deprived of any basic rights, such as the right to ... education in native language.”¹¹⁹

89. According to the **Report on “Human Rights in Eastern Europe and Central Asia”** of the Amnesty International, closure of the so-called crossing points and continuous restriction of freedom of movement denied “many residents of the breakaway region access to ... education ...”¹²⁰

90. According to **“Georgia 2019 Human Rights Report”** by the U.S. Department of State “de facto Abkhaz authorities enacted policies that threaten the legal status of ethnic minorities, including Georgians ...” and “they closed village schools and did not provide ethnic Georgians opportunities for education in their native language.” The Report also stressed that “de facto authorities dismissed ethnic Georgian teachers in Abkhazia deemed to have insufficient knowledge of Russian”

¹¹⁵ See footnote 20, Paragraph 49.

¹¹⁶ *Ibid*, Paragraph 51.

¹¹⁷ *Ibid*, Paragraph 52.

¹¹⁸ See footnote 18, Paragraph 42.

¹¹⁹ See footnote 9.

¹²⁰ See footnote 5.

further noting that “the language of instruction for students in first through fourth grades in Lower Gali was Russian” and “Russian was the only instructional language in the Tkvarcheli and Ochamchire zones, and the de facto authorities have prohibited Georgian language instruction.” The document also assessed that “in the Gali, Ochamchire, and Tkvarcheli Districts, ethnic Georgian students and teachers had poor command of Russian, and therefore Russian-only instruction had significantly affected the quality of their education.”¹²¹

91. The “**Human Right and Democracy Report 2019**” by the United Kingdom’s Foreign and Commonwealth Office stressed that closure of the so-called crossing points and continuous restriction of freedom of movement affected the right to education of the residents of the Russia-occupied territories of Georgia.¹²²

92. In the **Report on “Situation of Protection of Human Rights and Freedoms in Georgia for 2019”** the Public Defender of Georgia stressed that “arbitrary restrictions of freedom of movement introduced by the de facto authorities negatively affect the realisation of various rights by the local population, including ... right to education ...”¹²³ Furthermore, according to the Report “in all schools in Gali and Akhagori instruction at the primary grades in the Georgian language is fully prohibited ...” that “has negative impact on the Georgian language skills of the students, as well as on the quality of education.” Moreover, the document stressed that in the occupied Gali district teachers are not allowed to conduct classes in Georgian and “they are hired not based on their pedagogical qualification and experience, but according to the Russian language skills.”¹²⁴

10. Infringement of right to property

93. The right to property is a long-standing notion of customary international law recognized in the Universal Declaration of Human Rights stating that “no one shall be arbitrarily deprived of his property.”¹²⁵ The same aspect is enshrined in the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms declaring that “every natural or legal person is entitled to the peaceful enjoyment of his possessions.”¹²⁶ International humanitarian law requires occupying powers to respect the right to property. In particular, according to Article 53 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War “any destruction by the occupying power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative

¹²¹ See footnote 6, pg: 45.

¹²² See footnote 7.

¹²³ See footnote 32, pg: 17.

¹²⁴ *Ibid*, pg: 309-310.

¹²⁵ Article 17(2) of the Universal Declaration of Human Rights.

¹²⁶ Article 1 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.

organizations, is prohibited ...”¹²⁷ In full disregard for this notion, the ongoing incremental land grabbing practice and so-called “borderization” detrimentally impact lives of locals, split communities and lead some Georgians to find their property in the Russia-occupied territory overnight.

94. The UN HRC in its **Resolution 43/37 on “Cooperation with Georgia”** expressed serious concern at infringements of the right to property in the Russia-occupied territories of Georgia and at the “continued practice of demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia.”¹²⁸

95. According to the **Resolution 74/300 on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** the UN General Assembly “stresses the need to respect the property rights of all internally displaced persons and refugees affected by the conflicts in Georgia and to refrain from obtaining property in violation of those rights.”¹²⁹

96. In the **Decision of the Committee of Ministers’**, profound concern was expressed at infringement of right to property in the Russia-occupied territories of Georgia. Furthermore, deep concern was expressed “over the demolition of houses of Georgian IDPs in the Tskhinvali region/South Ossetia, in violation of property rights of IDPs.” Moreover, the CoE Member States reiterated their call “to the authorities exercising effective control to prevent further deterioration of monuments belonging to the cultural heritage throughout Georgia’s regions.”¹³⁰

97. In the **Resolution on “Implementation of the EU Association Agreement with Georgia”** the EU deplored the constant violations by the Russian Federation exercising effective control over the Georgian regions of Abkhazia and Tskhinvali, in particular “of the fundamental rights of the people in these occupied regions, who are being deprived of ... the right to property ...”¹³¹

98. In its **Report (A/74/878) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** the UN SG stressed that obstacles to resolve the issue of property rights of refugees and internally displaced persons from the Russia-occupied territories of Georgia as well as its “call upon all concerned to adhere to the principles on housing and property restitution for refugees and displaced persons (referred to as the ‘Pinheiro principles’) and the underlying norms of international law, including international human rights law ...” remained valid. The UN SG also assessed “that internally displaced persons were entitled to the restitution of, or compensation for, their lost property, regardless of whether they had chosen to return, integrate into their area of displacement or relocate elsewhere” and

¹²⁷ Article 53 of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.

¹²⁸ See footnote 15.

¹²⁹ See footnote 82.

¹³⁰ See footnote 2.

¹³¹ See footnote 3.

encouraged “the participants in the Geneva international discussions to facilitate an expert session to address housing, land and property rights within the context of the international discussions.”¹³²

99. “No progress was reported with respect to the restitution of, or compensation for, property lost or left behind by displaced persons” and “the continued so-called ‘borderization’ and restrictions on freedom of movement, as well as the risk of arbitrary detention in connection to crossing, further hindered access to property situated on the other side of the Administrative Boundary Lines” reads the *Report (A/HRC/45/54) on “Cooperation with Georgia.”*¹³³ Furthermore, according to the document “in Abkhazia, the continued absence of a sustainable solution to questions related to personal documents has resulted in infringements on the right to property, as the ‘foreign residence permit’ does not confer the right to property.”¹³⁴ Moreover, the Report stressed that “the practice of demolishing property belonging to internally displaced persons and building landfills on the site of demolished houses reportedly continued in the Akhagori district of South Ossetia” (64). The UNHCHR also indicated that “various submissions to OHCHR showed that the entire village of Gugutiantkari had been affected by ‘borderization’ activities in August 2019, notably compelling two families residing in that village to abandon their houses, and forcing them into displacement as barriers were being placed that cut through their properties” (47).

100. According to the *Report on “Human Rights in Eastern Europe and Central Asia”* of the Amnesty International “encroaching fencing along the line deprived local communities of access to orchards, pasture, and farmland negatively affecting their rights to livelihood ...”¹³⁵

101. “De facto authorities in the Russian-occupied regions of Abkhazia and South Ossetia restricted the rights, especially of ethnic Georgians, to ... own property, register businesses, and travel” reads the *“Georgia 2019 Human Rights Report”* by the U.S. Department of State. At the same time, the document underlined that “Russian ‘borderization’ of the administrative boundary lines (ABLs) increased, separating residents from their communities and livelihoods.”¹³⁶ The document also assessed that “in April the de facto parliament of Abkhazia passed ‘legislation’ that also deprived family members of those ‘who fought against the sovereignty of Abkhazia, participated in the hostilities against Abkhazia, or assisted occupational forces’ of the right of inheritance.” The Report also addressed the right to property with regard to the Russia-occupied Tskhinvali region declaring that “in a 2010 decree, South Ossetian de facto authorities invalidated all real estate documents issued by the Georgian government between 1991 and 2008 relating to property in the Akhagori Region” further assessing that “the decree also declared all property in Akhagori belongs to the de facto authorities until a ‘citizen’s’ right to that property is established

¹³² See footnote 25, Paragraph: 57.

¹³³ See footnote 4, Paragraph 62.

¹³⁴ *Ibid*, Paragraph 63.

¹³⁵ See footnote 5, pg: 15.

¹³⁶ See footnote 6, pg: 2.

in accordance with the de facto 'law', effectively stripping ethnic Georgians displaced in 2008 of their right to regain property in the region."¹³⁷ Moreover, according to the Report, restriction of the freedom of movement to the Russia-occupied Tskhinvali region of Georgia and "expansion of the Russian 'borderization' policy" created physical barriers and obstructed access to agricultural land and several residents also lost access to their property.¹³⁸

102. In the *Statement on the Secretary General's 21st Consolidated Report on the conflict in Georgia*, the EU stressed that "unprecedented restrictions on freedom of movement, on-going installation of razor and barbed wire fences and other artificial barriers on residents' property, dividing families and communities also result in increased isolation and impoverishment, which could in turn lead to further displacement." Moreover, the EU called "on the de facto authorities of Georgia's Abkhazia and South Ossetia regions to ensure that residents are not deprived of any basic rights, such as ... property rights" ¹³⁹

11. Conclusion

103. The reporting period likewise previous years was marked by the grave and blatant violations of human rights and fundamental freedoms, including but not limited to violations of right to life;¹⁴⁰ torture and ill-treatment;¹⁴¹ arbitrary detention;¹⁴² violations of the right to freedom of movement,¹⁴³ right to return,¹⁴⁴ right to health,¹⁴⁵ right to property¹⁴⁶ and right to education in one's native language.¹⁴⁷

12. Appeal to the international community

¹³⁷ *Ibid*, pg: 17.

¹³⁸ *Ibid*, pg: 26.

¹³⁹ See footnote 9.

¹⁴⁰ Article 3 of the Universal Declaration of Human Rights; Article 6 of the International Covenant on Civil and Political Rights; Article 2 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁴¹ See footnote 48.

¹⁴² Article 9 of the Universal Declaration of Human Rights; Article 9 of the International Covenant on Civil and Political Rights; Article 5 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁴³ Article 13 of the Universal Declaration of Human Rights; Article 12 of the International Covenant on Civil and Political Rights; Article 2 of the Protocol No. 4 to the Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁴⁴ UN Guiding Principles on Internal Displacement.

¹⁴⁵ Article 12 of the International Covenant on Economic, Social and Cultural Rights.

¹⁴⁶ Article 17 of the Universal Declaration of Human Rights; Article 1 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms.

¹⁴⁷ Article 26 (read in conjunction with Article 2) of the Universal Declaration of Human Rights; Article 2 of the Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms; Article 28 (read in conjunction with Paragraph 1 of Article 2) of the Convention on the Rights of the Child.

104. Georgia appeals to the international community and International Organizations:

to call on the Russian Federation to reverse its recognition of so-called independence of Georgian regions Abkhazia and Tskhinvali;

to call on the Russian Federation to end the occupation of the Georgian territories;

to call on the Russian Federation to implement the EU-mediated Ceasefire Agreement of 12 August 2008 and withdraw its illegally stationed troops from the occupied territories of Georgia;

to call on the Russian Federation to stop violations of human rights in the occupied territories of Georgia;

to call on the Russian Federation as the occupying power to ensure the protection of human rights and fundamental freedoms and the removal of barbed and razor wires and other artificial obstacles and banners along the occupation line;

to call on the Russian Federation as the occupying power to allow immediate and unimpeded access to the Office of the High Commissioner for Human Rights and international and regional human rights mechanisms to Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;

to call on the Russian Federation as the occupying power to allow immediate and unimpeded access to the European Union Monitoring Mission to both occupied regions of Georgia;

to condemn violations of human rights in the occupied territories of Georgia;

to take additional measures in order to monitor and report on the human rights situation in the occupied territories of Georgia. More specifically, Georgia appeals to:

- i) the OHCHR to continue efforts to access Abkhazia, Georgia and the Tskhinvali region/South Ossetia, Georgia;
- ii) the UN Human Rights Council's special procedure mandate holders to take additional measures in order to address and report on human rights situation in Abkhazia and Tskhinvali regions;
- iii) the Commissioner for Human Rights of the Council of Europe to take additional measures in order to address and report on the human rights situation in both occupied regions;
- iv) the OSCE and its autonomous institutions, particularly the Office for Democratic Institutions and Human Rights to monitor the human rights situation in both Georgian regions.