

**Assemblée générale
Conseil de sécurité**

Distr. générale
11 juin 2025
Français
Original : anglais

Assemblée générale
Soixante-dix-neuvième session
Point 33 de l'ordre du jour
Conflits prolongés dans la région du Groupe GUAM
et leurs incidences sur la paix et la sécurité internationales
et sur le développement

Conseil de sécurité
Quatre-vingtième année

Lettres identiques datées du 11 juin 2025, adressées au Secrétaire général et à la Présidente du Conseil de sécurité par le Chargé d'affaires par intérim de la Mission permanente de la Géorgie auprès de l'Organisation des Nations Unies

J'ai l'honneur de vous faire tenir ci-joint le texte du rapport de 2024 énumérant les violations des droits humains commises dans les territoires de la Géorgie occupés par la Russie (voir annexe*).

Je vous serais reconnaissant de bien vouloir faire distribuer le texte de la présente lettre et de son annexe comme document de l'Assemblée générale, au titre du point 33 de l'ordre du jour, et du Conseil de sécurité.

Le Chargé d'affaires par intérim
(*Signé*) David Abesadze

* Distribution uniquement dans la langue de l'original compte tenu des mesures prises en raison de la situation de trésorerie.



**Annexe aux lettres identiques datées du 11 juin 2025 adressées
au Secrétaire général et à la Présidente du Conseil de sécurité
par le Chargé d'affaires par intérim de la Mission permanente
de la Géorgie auprès de l'Organisation des Nations Unies**



**2024 Compilation Report
on the human rights violations
in the Russia-occupied territories of Georgia**

Table of Contents

1. Introduction	1
2. Occupation and responsibility of the occupying power	1
3. Occupation line and restriction of the freedom of movement	11
4. Denial of access	16
5. Violation of right to life; Torture and ill-treatment	20
6. Arbitrary detentions	23
7. Violation of right to return	27
8. Violation of right to health	30
9. Violation of right to education in native language	31
10. Infringement of right to property	34
11. Conclusion	37
12. Appeal to the international community	38

1. Introduction

1. Continued occupation of Abkhazia and Tskhinvali regions - integral territories of Georgia - by the power exercising effective control therein, the Russian Federation up to date has been entailing in grave security, human rights and humanitarian situation in these Georgian provinces.

2. While Russia's occupation and effective control on the ground has been attested by the decisions of the European Court of Human Rights and the International Criminal Court, notwithstanding these legal instruments, the occupying power has continued to commit mass violations of human rights in Abkhazia and Tskhinvali regions of Georgia.

3. Therefore, the situation of human rights of people living in the occupied regions of Georgia remained worrisome during the reporting year. The residents of these regions have continued to suffer from ethnic discrimination, torture and ill-treatment, violations of right to life, right to health, arbitrary detentions, kidnappings, infringement of right to property, restrictions of the freedom of movement and education in native Georgian language. Unfortunately, this list is not exhaustive.

4. Against this background, hundreds of thousands of IDPs and refugees expelled from their homes by multiple waves of ethnic cleansing, have remained deprived of their fundamental right to return to their homes in the occupied territories of Georgia.

5. Due to this worrisome human rights and humanitarian situation in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia, there is urgent need of keeping this issue high on international agenda. In this spirit, the present Report, like the previous ones, is mostly based on the findings of International Organizations and contains information on the human rights violations in the territories of Georgia under the Russia's occupation (Abkhazia and Tskhinvali regions) for the year 2024. The aim of the document remains the same as in previous years - to contribute to the provision of regular and updated information to the international community on the human rights situation in both Russia-occupied regions of Georgia.

2. Occupation and responsibility of the occupying power

6. During the reporting period, as in previous years, the Russian Federation continued to disregard its responsibility over the human rights violations in the occupied Abkhazia and Tskhinvali regions of Georgia, in contradiction to international law, which sets certain obligations to occupying power in order to ensure the well-being of the population living in the occupied territories.

7. The fact that the full responsibility for all human rights violations in the occupied Abkhazia and Tskhinvali regions of Georgia rests upon the Russian Federation - the power

exercising effective control on the ground, multiple times has been confirmed by the judgments of the European Court of Human Rights (ECHR). Together with the ECHR's other decisions, the judgment of 9 April 2024 on the case of Georgia v. Russia (IV) and the judgement of 17 December 2024 on the case of Taganova and Others v. Georgia and Russia, established the responsibility of the Russian Federation for multiple human rights violations (see pp. 12; 34) in occupied regions of Georgia.¹

8. The security environment in the occupied regions, which are fully militarized by the Russian Federation, remains tense, with high risk of escalation. The Russian Federation has continued illegal military build-up in the occupied regions of Georgia. Moreover, Russian military and security forces regularly conducted the military exercises in both occupied regions of Georgia. The Russian Federation also continued the process of de facto annexation by incorporating the occupied Abkhazia and Tskhinvali regions further into its political, military, social, economic, judicial and other spheres. This goal has been pursued through the illegal steps, such as creation of a so-called "joint group of armed forces" in the occupied Abkhazia region, incorporation of illegal military forces of the occupation regime in Tskhinvali region into Russian armed forces, establishment of a so-called "joint information and co-ordination centers of law enforcement agencies", the functioning of a so-called "customs points" in both occupied Georgian regions aimed at the integration of these occupied regions respectively into the customs sphere of the Russian Federation and signing so-called "treaties on dual citizenship" with both occupied regions. The Russian Federation and its occupation regime in Abkhazia region continue taking steps for creation of a common social and economic space between the Russian Federation and occupied Abkhazia region of Georgia. There is an alarming trend of transferring strategically important lands and objects to the Russian Federation, such as Sokhumi airport, Bitchvinta resort, Aibgha village, and other places. Intensive work for reconstruction and reopening of Sokhumi Airport remained an issue of particular concern throughout 2024. Moreover, there have been continued speculations on the matter of the occupied Abkhazia and Tskhinvali regions joining the "Union State of Russia and Belarus" as well as talks on referendums on incorporating the occupied regions into the Russian Federation. The regular conduct of illegal elections in both occupied regions also continued, including the Russian Federation presidential elections in March 2024, as well as so-called "parliamentary elections" in the occupied Tskhinvali region in June the same year.

9. On 7 May 2024, the Committee of Ministers of the Council of Europe adopted **Decision on the agenda item "the Council of Europe and the Conflict in Georgia."** According to the Decision "... 15 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 effective control and continuing illegal military presence in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia, increased military exercises and infrastructure reinforcements,

¹ See Paragraphs: 28; 119 of the present Report.

including the new positions and fences being established in the Chorchana/Tselisi and other areas, the implementation of the so-called 'treaties on alliance and strategic partnership/integration', the incorporation of the illegal 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, the establishment of so-called 'joint information and co-ordination centres of law enforcement agencies', 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, the adoption of the so-called 'programme on the creation of a common socio-economic space between Russia and the Georgian region of Abkhazia', the signing of the so-called 'agreements on dual citizenship with the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia', the ratification of the so-called agreement on the transferring of the Bichvinta resort in the Abkhazia region of Georgia to the Russian Federation; the statements regarding the deployment of a permanent naval facility in Ochamchire, in Abkhazia region; the transfer of Sokhumi airport to Russia for reconstruction and operation; statements about the intention to hold a so-called 'referendum' in the Tskhinvali region/South Ossetia of Georgia on the matter of joining the Russian Federation, the regular illegally opened election polling stations and illegal so-called 'elections' in both regions." Furthermore, in the Decision, the CoE member States reiterated that "any illegal acts 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 aggravate the situation on the ground." The CoE member States expressed concern "over hampering the activities of international organisations operating on the ground and restricting the confidence-building efforts" and 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 the 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, in the Decision, the CoE member States stressed that "Georgia, as the only sovereign State under international law over its regions of Abkhazia and Tskhinvali region/South Ossetia, is still prevented from exercising its legitimate jurisdiction over these regions due to Russia's effective control over the Georgian regions and the continuous impediments put up by the Russian Federation, including the latter's continuing military presence therein." In the Decision, the CoE member States welcomed the judgment of the European Court of Human Rights (ECHR) on the case GEORGIA v. RUSSIA (II), another judgment of the ECHR of 28 April 2023 on the case GEORGIA v. RUSSIA (II) (just satisfaction), ECHR's judgments on the case Mamasakhlisi and Others v. Georgia and Russia, on the case Matkava and Others v. Russia, on the case O. J. and J. O. v. Georgia and Russia, on the case of Georgia v. Russia (IV) and "the conclusion of the investigation phase in the Situation in Georgia by the International Criminal Court in 2022 that issued arrest warrants for war crimes and crimes against humanity committed against 'ethnic Georgian civilians in the context of an occupation by the Russian Federation', and uncovered the alleged role of Russian military

officials.” Subsequently, the CoE member States called to the Russian Federation as the State exercising effective control “to execute the judgments of the European Court of Human Rights, as well as to co-operate with the International Criminal Court.”²

10. “*Declaration by the Presidency of the Committee of Ministers on the occasion of the 75th anniversary of the Council of Europe*” was adopted on 17 May 2024, in which “unwavering commitment to the independence, sovereignty and territorial integrity of ... Georgia ... within their internationally recognised borders remains resolute” was underlined. Furthermore, the Declaration called “on Russia to immediately, completely, and unconditionally withdraw its forces and military equipment from the entire territory of ... Georgia ... ”³

11. On 29 June - 3 July 2024, during the 31st Annual Session, the OSCE Parliamentary Assembly adopted “*Bucharest Declaration*”, in which OSCE Parliamentary Assembly reiterated its call “for the immediate and unconditional withdrawal of Russian military forces from the occupied Georgian regions of Abkhazia and Tskhinvali/South Ossetia, in line with the European Union-mediated ceasefire agreement of 12 August 2008.” Moreover, the OSCE Parliamentary Assembly condemned “the deterioration in the humanitarian and human rights situation in Georgia’s regions of Abkhazia and Tskhinvali/South Ossetia occupied by the Russian Federation, as a result of violations of fundamental freedoms and human rights of people living therein, various forms of discrimination against ethnic Georgians ... as a direct consequence of the Russian Federation’s ongoing occupation and ‘Russification’ policy.”⁴

12. The responsibility of the Russian Federation over the blatant violations of human rights in the occupied territories of Georgia was once again underscored in the UN Human Rights Council *Resolution 57/33 on “Cooperation with Georgia”* adopted on 11 October 2024. In particular, the UN HRC took note of the “judgment of 21 January 2021 of the European Court of Human Rights in the case *Georgia v. Russia (II)*, in which the Court established the responsibility of the Russian Federation for grave human rights violations during the period of occupation of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, following the August 2008 war, as the State exercising effective control over those regions.” The UN HRC also took note of the “judgment of 7 March 2023 of the European Court of Human Rights in the case *Mamasakhlisi and Others v. Georgia and Russia*, in which the Court

² Committee of Ministers’ Decision “Council of Europe and the Conflict in Georgia”, adopted at the CoE Ministers Deputies’ 1498th meeting, 7 May 2024, available at <https://search.coe.int/cm/#{%22CoEIdentifier%22:%220900001680af8ece%22,%22sort%22:%22CoEValidationDate%20Descending%22%22}>.

³ “Declaration by the Presidency of the Committee of Ministers on the occasion of the 75th anniversary of the Council of Europe”, 17 May 2024, available at <https://search.coe.int/cm/#{%22CoEIdentifier%22:%220900001680afb209%22,%22sort%22:%22CoEValidationDate%20Descending%22%22}>.

⁴ Bucharest Declaration, 31st Annual Session of the OSCE Parliamentary Assembly, 29 June-3 July 2024, available at <https://www.oscepa.org/en/documents/annual-sessions/2024-bucharest/declaration-30/5029-bucharest-declaration-eng/file>.

once again confirmed the effective control of the Russian Federation over Abkhazia, Georgia, before the war between the Russian Federation and Georgia in August 2008 and its full responsibility for human rights violations in the region.” The UN HRC further took note of the “judgment of 28 April 2023 of the European Court of Human Rights in the case *Georgia v. Russia (II)* (just satisfaction), in which the Court ordered the Russian Federation to pay compensation to Georgian citizens who had suffered in connection with the armed conflict between Georgia and the Russian Federation in August 2008.” In the Resolution, the UN HRC acknowledged the conclusion of the “investigation phase into the situation in Georgia by the International Criminal Court in 2022, which resulted in the issuance of arrest warrants for war crimes committed against civilians perceived to be ethnically Georgian from 1 July to 10 October 2008, including during the war between the Russian Federation and Georgia in August 2008” and noted “the alleged role of the Russian military official uncovered by the investigation.” In this Resolution, the UN HRC condemned the “ongoing illegal military presence of the Russian Federation in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, without the consent of Georgia, and the attempts to legitimize its military presence, including through the organization of illegal so-called elections by the authorities exercising effective control therein, the signing of so-called treaties and the creation of so-called joint socioeconomic spaces between the Russian Federation and Abkhazia, Georgia.” The UN HRC also condemned “... statements about the intention to hold a so-called referendum in the Tskhinvali region/South Ossetia, Georgia, on the matter of joining the Russian Federation.” Moreover, the UN HRC stressed the findings of the reports of the United Nations High Commissioner for Human Rights, in which the High Commissioner underscored “the responsibility of the authorities exercising effective control in Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to uphold the fundamental freedoms and human rights of all people living therein and to address any conduct that violates or abuses their human rights ...”⁵

13. During the reporting period, on 28 February 2024, the European Parliament adopted **Resolution on the “implementation of the common foreign and security policy – annual report 2023.”** By the Resolution, the European Parliament reiterated that “Georgia experienced Russian military aggression as early as August 2008” and strongly condemned “Russia’s ongoing illegal occupation of the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.” Therefore, the European Parliament called for the EU institutions and the member States “to take decisive steps to ensure that Russia fulfils its obligations under the EU-mediated 12 August 2008 Ceasefire Agreement, in particular to withdraw all its military and security forces from Georgia’s occupied territories ...” and “to use the term ‘occupation’ with regard to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia that are illegally occupied by and under effective control of Russia, as established by the respective judgments of the European Court of Human Rights and the investigation of

⁵ The UN Human Rights Council (UN HRC) Resolution 57/33 on “Cooperation with Georgia”, 11 October 2024, available at <<https://digitallibrary.un.org/record/4063917?ln=en&v=pdf>>.

the International Criminal Court.”⁶

14. On the same day, the European Parliament adopted **Resolution on the “implementation of the common security and defence policy – annual report 2023.”** In the Resolution, the European Parliament stressed that “Russia continues to occupy the Abkhazia and South Ossetia regions of Georgia” and strongly condemned “the illegal occupation of the Georgian regions of Abkhazia and Tskhinvali/South Ossetia by the Russian Federation.” The European Parliament underlined that “the Russian Federation continues its illegal occupation and effective control over the occupied territories of Georgia through its military presence” The European Parliament also strongly condemned “Russia’s plans to build a permanent naval base at the Black Sea port of Ochamchire in the occupied region of Abkhazia” and called on the international community “to support all efforts to punish this gross violation of Georgia’s sovereignty and territorial integrity.” By the Resolution, the European Parliament called on the Russian Federation “to fulfil its international obligations under the EU-mediated ceasefire agreement of 12 August 2008, in particular its obligation to withdraw all of its military and security personnel from Georgia’s occupied territories”⁷

15. On 24 April 2024 the Committee of Ministers’ Deputies of the Council of Europe discussed SG’s **29th Consolidated Report on “the Conflict in Georgia”**, which assessed human rights and humanitarian situation in the Russia-occupied regions of Georgia.⁸ The Report recalled the judgments of the European Court of Human Rights (ECHR)⁹ that multiple times confirm that full responsibility for all human rights violations in the occupied Abkhazia and Tskhinvali regions of Georgia rests upon the Russian Federation - the power exercising effective control on the ground. The human rights and humanitarian situation in the Russia-occupied regions of Georgia was further reviewed in the SG’s **30th Consolidated Report on “the Conflict in Georgia”** discussed on 27 November 2024 by the Committee of Ministers’ Deputies of the Council of Europe.¹⁰ Together with ECHR judgments both documents recalled the arrest warrants for three individuals – representatives of Russian occupation regime in Tskhinvali region issued on 30 June 2022 by the International Criminal Court (ICC) for the war crimes committed during Russia’s military aggression against Georgia in 2008.¹¹

⁶ Resolution on the “implementation of the common foreign and security policy – annual report 2023”, European Parliament of the EU, 28 February 2024, available at <https://www.europarl.europa.eu/doceo/document/TA-9-2024-0104_EN.html>.

⁷ Resolution on the “implementation of the common security and defence policy – annual report 2023”, European Parliament of the EU, 28 February 2024, available at <https://www.europarl.europa.eu/doceo/document/TA-9-2024-0105_EN.html>.

⁸ 29th Consolidated Report on “the Conflict in Georgia”, Secretary General of the Council of Europe (CoE SG), 24 April 2024, Paragraphs: 34; 43, available at <<https://rm.coe.int/consolidated-report-on-the-conflict-in-georgia-october-2023-march-2024/1680af593c>>.

⁹ *Ibid*, Paragraphs: 20; 22.

¹⁰ 30th Consolidated Report on “the Conflict in Georgia”, Secretary General of the Council of Europe (CoE SG), 27 November 2024, Paragraphs: 38; 48, available at <<https://rm.coe.int/consolidated-report-on-the-conflict-in-georgia-april-september-2024/1680b282a8>>.

¹¹ See footnote 8, Paragraph 23 and footnote 10, Paragraph 24.

16. In the **“Georgia 2024 Report”** of 30 October 2024, the European Commission stressed that “the Georgian government does not exercise effective control over the occupied breakaway regions of Abkhazia and South Ossetia” and noted that “the EU supports Georgia’s sovereignty and territorial integrity within its internationally recognised borders ...”¹²

17. **“Georgia 2023 Human Rights Report”** by the U.S. Department of State published on 22 April 2024, emphasized that “Russia-occupied regions of Abkhazia and South Ossetia remained outside central government control, and de facto authorities were supported by Russian forces” and noted that “Russian and de facto authorities in both regions committed abuses with impunity.”¹³

18. **NATO Secretary-General Jens Stoltenberg, at the joint press statement with the Prime Minister of Georgia, Irakli Kobakhidze** on 21 February 2024 declared, that NATO fully supports Georgia’s sovereignty and territorial integrity and “continues to call on Russia to reverse the recognition of Georgian territories as independent states.” NATO Secretary-General stressed that “any threats by Russia to annex Georgia’s occupied regions are unacceptable.”¹⁴

19. In another **joint press statement with the Prime Minister of Georgia, Irakli Kobakhidze of 18 March 2024, NATO Secretary-General Jens Stoltenberg**, also stressed that “South Ossetia and Abkhazia are part of Georgia” and that “Russia’s organisation of elections in occupied parts of Georgia ... is completely illegal.”¹⁵

20. “The EU considers the Russian presidential election polling stations opened in occupied breakaway regions of Abkhazia and South Ossetia without consent of the Georgian Government illegal” reads the EU Statement of 18 March 2024 on the **“Russian presidential elections.”**¹⁶

21. On 24 April 2024 the European Union made **statement on the Secretary General’s 29th Consolidated Report on “the conflict in Georgia.”**¹⁷ On 27 November 2024 the European Union made another **statement on the Secretary General’s 30th Consolidated Report on**

¹² “Georgia 2024 Report”, the European Commission of the EU, 30 October 2024, p. 95, available at <https://neighbourhood-enlargement.ec.europa.eu/document/download/7b6ed47c-ecde-41a2-99ea-41683dc2d1bd_en?filename=Georgia%20Report%202024.pdf>

¹³ “Georgia 2023 Human Rights Report”, the U.S. Department of State, 22 April 2024, p. 2, available at <<https://www.state.gov/wp-content/uploads/2024/03/528267-GEORGIA-2023-HUMAN-RIGHTS-REPORT.pdf>>.

¹⁴ Statement of NATO Secretary-General Jens Stoltenberg, at the joint press statement with the Prime Minister of Georgia, Irakli Kobakhidze, 21 February 2024, available at <https://www.nato.int/cps/en/natohq/opinions_222996.htm>.

¹⁵ Statement of NATO Secretary-General Jens Stoltenberg, at the joint press statement with the Prime Minister of Georgia, Irakli Kobakhidze, 18 March 2024, available at <https://www.nato.int/cps/el/natohq/opinions_223793.htm?selectedLocale=en>.

¹⁶ Statement on “Russian presidential elections”, the EU, 18 March 2024, available at

<https://www.eeas.europa.eu/delegations/georgia/statement-eu-russian-presidential-elections_en?s=221>.

¹⁷ The EU statement on the Secretary General’s 29th Consolidated Report on “the conflict in Georgia”, 24 April 2024, available at <https://www.eeas.europa.eu/delegations/council-europe/1496th-meeting-committee-ministers-24-april-2024-eu-statement-secretary-generals-29th-consolidated_en?s=51>.

“the conflict in Georgia.”¹⁸ In both its Statements the EU recalled the judgments of the European Court of Human Rights (ECHR) that multiple times confirmed that the full responsibility for all human rights violations in the occupied Abkhazia and Tskhinvali regions of Georgia rests upon the Russian Federation - the power exercising effective control on the ground. By the **statement on the Secretary General's 30th Consolidated Report on “the conflict in Georgia”** the EU called upon the Russian Federation “to fully comply with the judgements of the ECHR, including through an adequate and effective investigation into the crimes committed during and after the active phase of hostilities, as well as during the period of occupation and hold all those responsible for human rights violations accountable.” Furthermore, it was stressed that the Russian Federation “must pay all a just satisfaction in respect of damage suffered by the victims” and “everybody responsible must be brought to justice”, in this context “the arrest warrants issued by the International Criminal Court in relation to individuals believed to hold responsibility for war crimes during the August 2008 war” were also noted. Moreover, the EU condemned “the Russian Federation’s illegal military presence in the Georgian regions, recognition of these regions as independent, military exercises, infrastructure reinforcements ... conducted there.” The EU also expressed concern about “Russia’s reported steps towards establishing a permanent naval base in Georgia’s region of Abkhazia” and condemned “the process of incorporating Georgia’s occupied breakaway regions into Russia’s political, military, economic, judicial, social and other spheres.” The EU reiterated “its support to the Reykjavík Summit Declaration, which calls on the Russian Federation to comply with its international obligations and to withdraw its forces from Georgia” and stressed full support to “a fundamental objective of the member states of the Council of Europe to uphold the territorial integrity of Georgia within its internationally recognized borders.”¹⁹ In addition to this, the EU strongly condemned “the illegal opening of polling stations for Russia’s presidential elections in March 2024 in Georgia’s regions of Abkhazia and South Ossetia without consent of the Georgian authorities” in the **statement on the Secretary General's 29th Consolidated Report on “the conflict in Georgia.”**²⁰ In both its statement the EU reiterated “unwavering support for the independence, sovereignty and territorial integrity of Georgia within its internationally recognized borders” and demanded that the Russian Federation “fulfils its obligations under the Six-Point Agreement of 12 August 2008 and its subsequent implementing measures of 8 September 2008.”²¹

22. On 10 July 2024, NATO Heads of State and Government participating in the meeting of the North Atlantic Council in Washington, issued the **“Washington Summit Declaration.”** By the Declaration, NATO Heads of State and Government participating in the present meeting called “on Russia to withdraw all of its forces from ... Georgia, stationed there

¹⁸ The EU statement on the Secretary General's 30th Consolidated Report on “the conflict in Georgia”, 27 November 2024, available at <https://www.eeas.europa.eu/delegations/council-europe/1513th-meeting-committee-ministers-27-november-2024-eu-statement-secretary-generals-30th_en>.

¹⁹ See footnote 18.

²⁰ See footnote 17.

²¹ See footnotes: 17; 18.

without their consent.”²²

23. During the reporting period, number of statements were issued with regard to the situation in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia. For instance, by the **statement on the “16th anniversary of the aggression against Georgia”** of 6 August 2024, the High Representative reiterated the “condemnation of Russia’s continued military presence in the occupied breakaway regions of Abkhazia and South Ossetia in violation of both international law and of Russia’s commitments under the 12 August 2008 six-point agreement.”²³

24. At the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008, **the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark) delivered a joint statement** on 14 August 2024. In particular, the UN Security Council (UN SC) members and incoming members stressed that “sixteen years have passed since Russia’s full-scale military aggression against and subsequent illegal military presence in Georgia’s sovereign territories – Abkhazia and Tskhinvali/South Ossetia regions” and underlined that “the Russian invasion of Georgia in August 2008 marked a more aggressive trend in Russia’s policy regarding its neighboring countries and the European security architecture.” Furthermore, the UN SC members and incoming members deplored “the continuous blatant violation of the territorial integrity of Georgia by the Russian Federation” and condemned “Russia’s brutal invasion and continued illegal military presence in contravention of the UN Charter and exercising of effective control over Abkhazia and Tskhinvali region/South Ossetia.” It was noted that “these regions are integral parts of Georgia, and Russia’s steps towards annexation of these Georgian regions, through incorporating both regions into its political, military, judicial, economic and social spheres, including signing of integration treaties, transferring the strategically important Bitchvinta Resort the Sokhumi Airport and Ochamchire Port to the Russian Federation, conducting illegal so-called elections, including Russian presidential elections in Abkhazia and Tskhinvali/South Ossetia regions in March, 2024 and parliamentary elections in Tskhinvali/South Ossetia region in June, 2024.” The UN SC members and incoming members reiterated their condemnation of “Russia’s continuous provocations, the continued military drills in Georgia’s territory, territorial sea, and airspace; the steps towards establishment of a permanent naval base in Ochamchire, Abkhazia region that poses significant threat to the security of Georgia and the wider Black Sea region.” The UN SC members and incoming members further recalled “the judgments of the European Court of Human Rights (ECHR), which has since 2021 in six instances confirmed responsibility of the Russian Federation for grave human rights violations

²² Washington Summit Declaration, NATO Heads of State and Government participating in the meeting of the North Atlantic Council in Vilnius, 10 July 2024, available at <https://www.nato.int/cps/ar/natohq/official_texts_227678.htm>.

²³ Statement on the “16th anniversary of the aggression against Georgia”, the High Representative, 6 August 2024, available at <https://www.eeas.europa.eu/eeas/georgiarussia-statement-high-representative-16th-anniversary-aggression-against-georgia_en?s=221>.

including the killing of civilians, torture of prisoners of war, inhumane and degrading treatment, preventing Georgians from returning to their homes, and failure to conduct investigations into human rights violations.” Moreover, the UN SC members and incoming members further emphasized “the issuance of arrest warrants by the International Criminal Court for alleged war crimes committed against civilians perceived to be ethnically Georgian during Russia’s invasion of 2008 and its aftermath” and took note “of the alleged role of the Russian military officials.” The UN SC members and incoming members stressed that they remained deeply worried that “the Russian Federation has not upheld its obligations under the EU-mediated 2008 Ceasefire Agreement to withdraw its forces to the lines held prior to the outbreak of hostilities” Therefore, the UN SC members and incoming members once again called “on the Russian Federation to fully implement its obligations and commitments under the EU-mediated Ceasefire Agreement of 12 August 2008 and withdraw its military and security forces from the territory of Georgia without delay” as well as “to reverse the recognition of the so-called independence of Georgia’s regions of Abkhazia and the Tskhinvali region/South Ossetia.”²⁴

25. During the reporting year, ***the Group of Friends of Georgia (GoF of Georgia) in the OSCE issued joint statements*** concerning the situation in the Russia-occupied territories of Georgia. In their most recent statement delivered at the 31st OSCE Ministerial Council Meeting of 5-6 December 2024, the GoF of Georgia expressed deep concern over the “continued occupation of Georgia’s regions of Abkhazia and South Ossetia”, condemned “Russia’s military aggression against Georgia in 2008 in blatant violation of international law” and expressed concern that “Georgia has been a target of Russia’s hybrid tactics as well as conventional warfare ever since regaining its independence.” Furthermore, the GoF of Georgia expressed deep concern over “Russia’s ongoing illegal military presence, military exercises and violation of airspace in Georgia’s Abkhazia and South Ossetia regions” and in this regard, deep concern was expressed “over the steps taken to establish a Russian naval base in the Ochamchire district of the occupied Abkhazia region as another provocative attempt to destabilize the already dire situation on the ground and in the wider Black Sea region.” At the same time, the GoF of Georgia called upon the Russian Federation “to fulfil immediately its clear obligation under the Ceasefire Agreement to withdraw its forces to pre-conflict positions ...” and “to reverse its recognition of the so-called independence of Georgia’s regions of Abkhazia and South Ossetia.” Furthermore, the GoF of Georgia condemned “the steps aiming to incorporate Georgia’s regions of Abkhazia and South Ossetia into Russia’s political, military, social, economic, judicial, and other spheres, including attempts at implementation of the so-called integration and alliance treaties between Russia and Georgia’s Abkhazia and South Ossetia regions, which constitute a clear violation of international law by the Russian Federation and directly contradict OSCE commitments.” The GoF of Georgia further condemned “transferring Sokhumi airport to

²⁴ Joint statement of the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark) at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008, 14 August 2024, available at <<https://webtv.un.org/en/asset/k1q/k1q8qqboa0>>.

Russia for reconstruction and operation, illegitimate establishment of polling stations for Russian presidential elections in Abkhazia and South Ossetia regions of Georgia in March 2024, and so-called parliamentary elections in the South Ossetia region of Georgia in June 2024 without Georgia's consent." The GoF of Georgia urged the Russian Federation "to reverse its steps to incorporate Georgia's regions into its own government structures." The GoF of Georgia noted the judgment of the European Court of Human Rights (ECHR) on the case GEORGIA v. RUSSIA (II), another judgment of the ECHR of 28 April 2023 on the case GEORGIA v. RUSSIA (II) (just satisfaction), ECHR's judgments on the case Mamasakhlisi and Others v. Georgia and Russia, on the case Matkava and Others v. Russia, on the case O. J. and J. O. v. Georgia and Russia, on the case of Georgia v. Russia (IV) and called on the Russian Federation "to fully comply with these judgments." The GoF of Georgia also noted "the decision of the International Criminal Court (ICC) of 2022 that issued arrest warrants for war crimes committed against ethnic Georgian civilians during Russia's invasion in 2008 and noted the alleged role of a now deceased Russian military official uncovered by the investigation" and called on the Russian Federation "to cooperate with the ICC."²⁵

3. Occupation line and restriction of the freedom of movement

26. All human rights are indivisible, interrelated and interdependent and international law explicitly recognizes everyone's right to freedom of movement as an indispensable condition for the free development of a person, which on the other hand, interacts with several other human rights and guarantees its protection from interference and arbitrary deprivation.²⁶

27. In violation of the above-mentioned, during the reporting period, the Russian Federation continued installation of barbed-wire fences and other artificial barriers, lengthy closure of the occupation line and other restrictions of the freedom of movement. Among others, this restriction is one of the issues that the conflict-affected people suffer the most. In particular, the lengthy closure of the occupation line and other numerous impediments to the freedom of movement prevent the conflict-affected people from access to the most of the basic necessities, such as access to their families, property, agricultural lands, religious sites and cemeteries, as well as to healthcare, emergency services and education. Subsequently, the Russia-occupied Abkhazia and Tskhinvali regions of Georgia have remained totally

²⁵ Joint statement of the Group of Friends of Georgia (GoF of Georgia), 31st OSCE Ministerial Council Meeting, 5-6 December 2024, available at <https://mfa.gov.ge/pfiles/files/5.12.24%20statement_Group_of_Friends_of_Georgia_2024%20.pdf?fbclid=IwY2xjaWg_-T1leHRuA2F1bQIzMAABHS5USbonT03pwoI2T-1EKEXNBx5YDKu9YQ3k3phqnDsUVue5QW2FPVxS8Q_aem_MQTiUiyMYoe-R2diZPiLIQ>.

²⁶ 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; ICCPR General Comment No. 27: Article 12 (Freedom of Movement), adopted at the Sixty-seventh session of the Human Rights Committee, 2 November 1999, available at <<https://www.refworld.org/pdfid/45139c394.pdf>>.

security and defence policy – annual report 2023” stressed that the Russian Federation “continues its illegal occupation and effective control over the occupied territories of Georgia through ... continued installation of barbed wire fences and other artificial barriers along the occupation line.”³⁰

32. According to the *29th Consolidated Report on “the Conflict in Georgia”* of the CoE SG, “unilateral restrictions on free movement of people and goods continued to affect – in multiple negative ways – the daily lives and human rights of the conflict-affected population, disrupting their access to basic rights, services, and livelihood opportunities” and “... crossings remained hindered by impediments related to documentation issues and temporary closures.”³¹ It was also underlined that “the delegation was informed about the continuation of illegal ‘borderisation’ activities, illustrated by a newly built barbed wire fence and increased use of modern surveillance systems and technical devices (motion detectors, cameras) to trace the movements of the local population.”³²

33. In addition to the above-mentioned restrictions, the *30th Consolidated Report on “the Conflict in Georgia”* noted that “... free movement remained hindered by impediments related to documentation issues and temporary closures.”³³ Furthermore, it stressed that “the protracted periods of closure of the OL continued to significantly hamper livelihood activities as well as access to markets, pensions and other social benefits on the Georgian controlled territory” therefore, “the delegation’s interlocutors convergently stressed the urgent need for a full re-opening without any hindrances to offset the negative consequences of isolation.”³⁴ Furthermore, the Report recalled the judgement of 9 April 2024 on the case of Georgia v. Russia (IV) of the European Court of Human Rights (ECHR) that established the responsibility of the Russian Federation for multiple human rights violations caused by the illegal so-called “borderisation” by the Russian Federation (par. 23).

34. *Report (A/78/864) 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 29 April 2024, speaks about the violation of the right to freedom of movement and subsequent restriction to enter the Russia-occupied Abkhazia and Tskhinvali regions of Georgia. According to the Report, “so-called ‘borderization’ measures along the administrative boundary lines with South Ossetia and Abkhazia continued throughout the reporting period” and “further obstacles to freedom of movement, including ‘state border signs’, watch posts and surveillance equipment, continued to be observed along the administrative boundary lines.”³⁵ Furthermore, the Report stressed that “in South Ossetia,

³⁰ See footnote 7.

³¹ See footnote 8, Paragraph 35.

³² *Ibid*, Paragraph 39.

³³ See footnote 10, Paragraph 40.

³⁴ *Ibid*, Paragraphs: 64; 65.

³⁵ Report (A/78/864) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, 29 April 2024, Paragraph 28, available at <<https://digitallibrary.un.org/record/4049133?ln=en&v=pdf>>.

the continued closure of the administrative boundary line and ongoing 'borderization' measures continued to restrict the ability of people to cross the administrative boundary line ..." and this also continued to "negatively affect freedom of movement, social and family relations and livelihood opportunities."³⁶ The UN Secretary-General underlined that "the inability to have free access to agricultural fields, orchards, traditional grazing grounds, forests and markets has reduced income and employment opportunities and further limited communication and relations between families living on opposite sides" and "the fencing measures along the administrative boundary lines have exacerbated the already difficult living conditions of those living on both sides, including many internally displaced persons" (par. 29). The UN Secretary-General underlined that "the issue of freedom of movement across the administrative boundary line has security, humanitarian and human rights dimensions, and remains of utmost importance to the local population" and emphasized that "developments during the reporting period were marked by further enhanced control measures and limitations, as well as the formalization of documentation requirements, imposing conditions on the ability to cross the administrative boundary line" (par. 47). While the UN Secretary-General remained concerned "by the persistent security challenges stemming from continued negative trends related to so -called 'borderization', restrictions on the freedom of movement and other unilateral actions" (par. 59), he urged "the authorities in control in Abkhazia and South Ossetia to take all measures necessary to facilitate freedom of movement and access to rights and services for the ethnic Georgian population ..." (par. 18).

35. Restriction of the freedom of movement was also assessed in the "**Georgia 2023 Human Rights Report**" by the U.S. Department of State. The Report stressed that "de facto authorities and Russian occupying forces limited" the freedom of movement "in Abkhazia and South Ossetia." It was also underlined, that "de facto authorities and Russian forces in the Russia-occupied territories also restricted the movement of the local population across the administrative boundary lines (ABLs)." Moreover, according to the Report "de facto authorities continued to expand and reinforce fencing and other physical barriers along the ABL between Tbilisi-administered territory 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."³⁷

36. On 23 April 2024, the Amnesty International issued the **Report "the state of the world's human rights."** The document underlined that the "freedom of movement continued to be restricted between government-controlled territory and the breakaway regions of Abkhazia and South Ossetia."³⁸

37. The **Report of the Public Defender of Georgia on the "Situation of Protection of**

³⁶ *Ibid*, Paragraph 29.

³⁷ See footnote 13, pp. 32-33; 36.

³⁸ Amnesty International Report "the state of the world's human rights", 23 April 2024, p.178, available at <<https://www.amnesty.org/en/documents/pol10/7200/2024/en/>>.

Human Rights and Freedoms in Georgia for 2023 of 25 June 2024, stressed that “the arbitrary restrictions on freedom of movement imposed by the de facto authorities deprive the local population of various rights, including freedom, access to health services, security, an adequate standard of living, the right to family life, and freedom of religion” and “these imposed restrictions may prompt citizens residing in the occupied Gali and Akhagori regions to gradually vacate their homes, potentially resulting in ethnic cleansing.” It was also noted that “the occupation forces persist in the illegal practice of so-called ‘borderization’.”³⁹

38. The EU in both its statements on ***Secretary General’s 29th and 30th Consolidated Reports on “the conflict in Georgia”*** condemned “ongoing ‘borderization’” in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia. In both statements the EU called for the full reopening “of all ‘Administrative Boundary Lines crossing points’.”⁴⁰

39. In the statement on the ***“16th anniversary of the aggression against Georgia”***, the High Representative reiterated EU’s condemnation of “Russia’s continued military presence in the occupied breakaway regions of Abkhazia and South Ossetia ...” and noted that “the human rights of conflict-affected communities in Georgia continue to be violated, including through ‘borderisation’ policies, closures of crossing points” It was underlined that “restrictions on freedom of movement must end.”⁴¹

40. In the joint statement at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008, ***the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark)*** condemned “the enhanced process of erecting barbed wire fences and other artificial barriers dividing Georgia’s internal regions” together with “interference with freedom of movement and persistent closures of so-called crossing points.” Moreover, the UN SC members and incoming members also recalled “the judgment of 9 April 2024, unanimously concluding Russia violated the European Convention on Human Rights as a result of actions related to the Russian Federation’s hardening of the administrative boundary line.”⁴²

41. The violation of the right to freedom of movement was also addressed by the ***joint statement of the GoF of Georgia in the OSCE***. In particular, in the statement the GoF of Georgia expressed concern “over the ongoing installation of barbed wire fences and other artificial barriers along the administrative boundary lines (ABLs) and the lengthy closure of so-called crossing points, which have led to severe humanitarian consequences for the local population.” The GoF of Georgia also condemned “the unexpected closure of so-called crossing points of ABLs during the period around Georgia’s October 26 Parliamentary

³⁹ Report of the Public Defender of Georgia on the “Situation of Protection of Human Rights and Freedoms in Georgia for 2023”, 25 June 2024, pp. 14; 17, available at <<https://ombudsman.ge/res/docs/2024052911382931838.pdf>>.

⁴⁰ See footnotes: 17; 18.

⁴¹ See footnote 23.

⁴² See footnote 24.

elections preventing Georgian citizens from casting their votes and disrupting commerce and freedom of movement for the affected population.” It was noted that “the partial and temporary re-opening of the so-called crossing points cannot be viewed as satisfactory”, therefore the GoF of Georgia stressed that “all so-called crossing points in Georgia’s regions of Abkhazia and South Ossetia must be reopened for all Georgian citizens residing on both sides of the ABLs.” The GoF of Georgia underlined that “isolation and continuous restrictions on freedom of movement have further destabilised the situation on the ground and severely impacted the security, safety, well-being, and humanitarian conditions of civilians in conflict-affected areas, preventing their access to family, property, agricultural lands, religious sites, and cemeteries as well as Georgian government issued pensions, the free healthcare services and education available in Georgian Government controlled territory.” “This creates a risk for further depopulation of both regions” the GoF of Georgia noted.”⁴³

4. Denial of access

42. The gravity of the situation in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia once again clearly demonstrates the urgent need of full, unimpeded and immediate access for international and regional human rights monitoring mechanisms to both occupied regions of Georgia. Nevertheless, the occupying power – the Russian Federation, continued to deny these mechanisms from entry into those Georgian territories. Furthermore, during the past several years, none of the Special Procedures Mandate Holders were allowed to visit the Russia-occupied Abkhazia and Tskhinvali regions of Georgia. Moreover, even the European Union Monitoring Mission in Georgia (EUMM in Georgia) in disregard for its mandate,⁴⁴ continued to be denied entry to these occupied regions of Georgia. In addition to blocking the EUMM in Georgia’s access to the occupied regions, preventing it from fully implementing its mandate to monitor the implementation of the EU-mediated 12 August 2008 Ceasefire Agreement, the Russian Federation has openly threatened the EUMM’s monitors, exemplified by their detention in Georgian government controlled territory while fulfilling their duty. Moreover, international organizations and INGOs operating in the occupied Abkhazia region have been subject of increasing pressure with particular attack on confidence-building projects.

43. In the *Decision of the Committee of Ministers* the CoE member States expressed deep regret that “neither the Commissioner for Human Rights, the 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” and called on the Russian Federation “to secure the immediate and unrestricted access of the Council of

⁴³ See footnote 25.

⁴⁴ Information about the mandate of the European Union Monitoring Mission in Georgia (EUMM in Georgia), available at <https://eumm.eu/en/about_eumm/mandate>.

Europe bodies to the Georgian regions.”⁴⁵

44. In the **Resolution 57/33 on “Cooperation with Georgia”**, the UN HRC expressed serious concern “at the repeated denial of access to international and regional monitors, including the United Nations human rights mechanisms, to both Georgian regions by the authorities exercising effective control in those regions.” The regret was also expressed “at the continued refusal of those in control of Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia, to grant immediate and unimpeded access to staff members of the Office of the High Commissioner and to United Nations human rights mechanisms to both regions.” The UN HRC also noted with concern “the grave situation of human rights in both Georgian regions, particularly owing to growing violations and restrictions on humanitarian access.” Hence, the UN HRC demanded that “immediate and unimpeded access be given to the Office of the United Nations High Commissioner for Human Rights and other international and regional human rights mechanisms to Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.”⁴⁶

45. In the **Resolution on the “implementation of the common foreign and security policy – annual report 2023”**, the European Parliament called for the EU institutions and the member States to ensure that “Russia fulfils its obligations under the EU-mediated 12 August 2008 Ceasefire Agreement, in particular ... to allow the deployment of international security mechanisms on the ground and to grant the EU Monitoring Mission unimpeded access to the Russia-occupied Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.”⁴⁷

46. In another **Resolution on the “implementation of the common security and defence policy – annual report 2023”**, the European Parliament called on the Russian Federation “to fulfil its international obligations under the EU-mediated ceasefire agreement of 12 August 2008, in particular its obligation ... to allow the EU Monitoring Mission (EUMM) unhindered access to the whole territory of Georgia pursuant to its mandate.”⁴⁸

47. The issue of access to the Russia-occupied Abkhazia and Tskhinvali regions of Georgia was also assessed in the **Report of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn on his visit to Georgia** from 4 to 14 September 2023 and submitted to the UN Human Rights Council during the 55th session in 2024. The Report noted that “consistent with his overall thematic focus on conflict and disability, the Special Rapporteur endeavoured to enter Abkhazia and Tskhinvali region/South Ossetia to assess the situation of persons with disabilities living there for himself.” However, the Special

⁴⁵ See footnote 2.

⁴⁶ See footnote 5.

⁴⁷ See footnote 6.

⁴⁸ See footnote 7.

Rapporteur regretted that “this was not possible.”⁴⁹

48. The same issue was also assessed in the *Report of the Special Rapporteur on the situation of human rights defenders, Mary Lawlor on her visit to Georgia* from 30 October to 7 November 2023 and submitted to the UN Human Rights Council during the 55th session in 2024. In the Report, the Special Rapporteur regretted “not being able to access Abkhazia or South Ossetia to assess the situation ...”⁵⁰

49. The *29th and 30th Consolidated Reports on “the Conflict in Georgia”* of the CoE SG, noted that “Secretary General continues to call for access in view of fact-finding visits to the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia for the preparation of consolidated reports” and “the Secretariat was not given access on this occasion.”⁵¹ Furthermore, both Reports stressed that “despite repeated offers and calls, no progress was made concerning international humanitarian access to the Tskhinvali region/South Ossetia, which remained exclusively restricted to the ICRC.”⁵²

50. The issue of access to the Russia-occupied Abkhazia and Tskhinvali regions of Georgia was assessed in the *Report (A/78/864) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.”* The document noted that “since the conflict in August 2008, the United Nations has lacked operational access to South Ossetia ...” therefore, the UN Secretary-General strongly encouraged “the relevant stakeholders to actively facilitate unhindered regular access to South Ossetia so as to allow humanitarian and development agencies to assess needs and assist the population, especially the most vulnerable.”⁵³ The Report also underlined that “while humanitarian access to South Ossetia by the international community regrettably remains unavailable ...”⁵⁴ The UN Secretary-General called “upon all relevant actors to ensure operational flexibility for project implementation and unimpeded access for all categories of United Nations personnel and international NGO staff members working to support local populations” (par. 54). Moreover, the UN Secretary-General also reiterated his call “upon all relevant stakeholders to engage in a constructive manner and implement conclusions and recommendations from reports of the High Commissioner to the Council, including about unfettered access to assess the human rights protection needs of the affected population” (par. 12).

51. In both statements on *Secretary General’s 29th and 30th Consolidated Reports on “the*

⁴⁹ Report (A/HRC/55/56/Add.1) of the Special Rapporteur on the rights of persons with disabilities, Gerard Quinn on his visit to Georgia (from 4 to 14 September 2023), 3 January 2024, Paragraph 4, available at <<https://digitallibrary.un.org/record/4036141?ln=en&v=pdf>>.

⁵⁰ Report (A/HRC/55/50/Add.2) of the Special Rapporteur on the rights on the situation of human rights defenders, Mary Lawlor on her visit to Georgia (from 30 October to 7 November 2023), 19 March 2024, Paragraph 3, available at <<https://digitallibrary.un.org/record/4045556?ln=en&v=pdf>>.

⁵¹ See footnotes 8; 10, Paragraph: 5.

⁵² *Ibid*, Paragraphs: 30; 31.

⁵³ See footnote 35, Paragraph 23.

⁵⁴ *Ibid*, Paragraph 40.

conflict in Georgia” the EU stressed that access to the Russia-occupied regions of Georgia should be provided to humanitarian organizations.⁵⁵ Furthermore, in the *statement on the Secretary General’s 30th Consolidated Report on “the conflict in Georgia”* the EU regretted “the Council of Europe authorized bodies have not been granted access to Georgian regions” and called on the Russian Federation “as the state exercising effective control to facilitate their access to these regions.”⁵⁶

52. On 4 June 2024, at the 78th Session of the UN General Assembly the *European Union delivered the statement under the agenda item “protracted conflicts in the GUAM area and their implications for international peace, security and development.”* In the statement, the EU called “to ensure full, safe and unhindered humanitarian access to support these populations, in particular” in the Russia-occupied Tskhinvali region of Georgia. The EU recalled in this respect that “humanitarian access is stipulated in the EU-mediated six-point ceasefire agreement from 12 August 2008.”⁵⁷

53. In the joint statement at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008, *the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark)* stressed that they remained deeply worried that the Russian Federation has not met its “commitments to allow unhindered access for international human rights monitoring mechanism to the regions of Abkhazia and Tskhinvali region/South Ossetia” and therefore called for “immediate unhindered access to be granted to the Office of the High Commissioner of Human Rights and other international and regional human rights mechanisms, as well as to the EU Monitoring Mission.” Hence, the UN SC members and incoming members underlined “the urgent need for unhindered humanitarian access to all persons in need.”⁵⁸

54. By the *joint statement, the GoF of Georgia in the OSCE* called upon the Russian Federation to fulfil immediately “its commitments to allow unfettered access for the delivery of humanitarian assistance and not to impede the creation of international security arrangements on the ground.” Furthermore, the GoF of Georgia reaffirmed “unwavering support for the EU Monitoring Mission (EUMM)” and called upon the Russian Federation “to allow the EUMM to implement its mandate in full, including by enabling the EUMM’s access on both sides of the ABLs.” In this regard, the GoF of Georgia condemned “incident in which Russian forces temporarily held the EUMM monitors in Georgian government-controlled territory while the monitors were fulfilling their duties.” At the same time, the GoF of Georgia called on the Russian Federation “to enable full and unhindered access by international human rights organizations to Georgia’s regions of Abkhazia and South

⁵⁵ See footnotes: 17; 18.

⁵⁶ See footnote 18.

⁵⁷ Statement under the agenda item “protracted conflicts in the GUAM area and their implications for international peace, security and development”, European Union, 4 June 2024 available at <https://www.eeas.europa.eu/delegations/un-new-york/eu-statement-%E2%80%93-un-general-assembly-protracted-conflicts-guam-area-0_en>.

⁵⁸ See footnote 24.

Ossetia.”⁵⁹

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

55. While everyone’s right to life is protected and its arbitrary deprivation prohibited, as well as no one shall be subjected to torture or to inhuman or degrading treatment or punishment under international law, together with other human rights violations, these notions are totally disregarded in Abkhazia and Tskhinvali regions of Georgia by the occupying power - the Russian Federation.

56. The heavy toll of the Russian occupation is exemplified in killings of peaceful Georgian citizens. The violation of the right to life of innocent civilians vividly demonstrate a further deteriorated security environment, which continues causing immense suffering of the conflict-affected people on the both sides of the occupation line. The brutal murder by the Russian occupation forces of Georgian citizens is a result of the deliberate and critically disturbing practice that the Russian Federation has been carrying out for years in the occupied regions of Georgia and adjacent territories.

57. The impunity upon the brutal murder, killing and death of Georgians (Archil Tatumashvili, Giga Otkhozoria, Davit Basharuli, Irakli Kvaratskhelia, Tamaz Ginturi, Temur Karbaia) clearly demonstrate that ethnically motivated torture and murders are well encouraged by the Russian occupation regimes. For instance, Davit Gurtsiev, who is sentenced to life imprisonment by the Mtskheta District Court in Georgia for aiding the torture and illegal deprivation of liberty of Archil Tatumashvili and who is internationally wanted by Interpol - has been appointed as a so-called “prosecutor” of the occupied Akhgori District.

58. The encouragement and impunity for the deprivation of life of Georgian citizens suggest that these murders are used as tools by the Russian Federation and its occupation regimes in both Abkhazia and Tskhinvali regions to intimidate and drive ethnic Georgian population out of the regions, exploiting it as a tool for pressure and destabilisation.

59. On 26 January 2024 the Parliamentary Assembly of the Council of Europe adopted the **Resolution 2534 on “the progress of the Assembly’s monitoring procedure (January-December 2023).”** In the document PACE reiterated “its full support for Georgia’s sovereignty and territorial integrity within its internationally recognised borders” and deplored and condemned “the recent killing of a Georgian citizen by Russian occupation forces.”⁶⁰

⁵⁹ See footnote 25.

⁶⁰ Resolution 2534 on “progress of the Assembly’s monitoring procedure (January-December 2023)”, Parliamentary Assembly of the Council of Europe (PACE), 26 January 2024, available at <<https://pace.coe.int/en/files/33371/html>>.

60. By the **Decision of the Committee of Ministers**, the CoE member States expressed profound concern over the violations of the right to life in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia. The CoE member States strongly condemned “a decision in the region of Abkhazia that provides for the death penalty, under certain circumstances, in cases of the so-called ‘export, import and/or transit of drugs’.” The CoE member States expressed deep concern “over the death of Genadi Bestaev, who was illegally detained in November 2019 in the Tskhinvali region/South Ossetia and died in a Tbilisi hospital on 16 February 2022, after being released a few months earlier from Tskhinvali in a severe health condition.” Deep concern was also expressed “about the killing of a Georgian citizen, Tamaz Ginturi, with a firearm by the Russian forces on 6 November 2023, near Lomisi Church in the village of Kirbali, Gori municipality, and about another Georgian citizen, Temur Karbaia who was beaten to death at the so-called police station in Gali, Abkhazia region in December 2023.” Furthermore, the CoE member States expressed grave concern “over impunity concerning the deaths of ethnic Georgians David Basharuli, Giga Otkhozoria and Archil Tatumashvili, as well as the death of Irakli Kvaratskhelia in the Russian military base in the Abkhazia region of Georgia.” By the Decision, the CoE member States recalled “the ‘Otkhozoria-Tatumashvili List’ adopted by the Parliament of Georgia, and the national restrictive measures decided on by the Georgian Government against those responsible for grave human rights abuses in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia.” Hence, the CoE member States reiterated their call to the Russian Federation as the State exercising effective control “to remove any obstacles to ending impunity in cases concerning the murder of ethnic Georgians in the Georgian regions of Abkhazia and Tskhinvali region/South Ossetia and to bringing the perpetrators to justice.”⁶¹

61. In the **Resolution 57/33 on “Cooperation with Georgia”**, the UN HRC expressed serious concern “at various forms of reported discrimination against ethnic Georgians, cases of torture and other forms of ill-treatment, infringements of the right to life” Furthermore, the UN HRC took note “of the judgment of 19 December 2023 of the European Court of Human Rights in the case *Matkava and Others v. Russia*, in which the Court confirmed the responsibility of the Russian Federation for the violation of the right to life of Georgian citizen Giga Otkhozoria, killed on 19 May 2016” Deep concern was also expressed “about the killings of Georgian citizen Tamaz Ginturi by Russian forces on 6 November 2023 and Georgian citizen Temur Karbaia by so-called police forces in Gali in Abkhazia, Georgia, in December 2023.” Moreover, the UN HRC expressed serious concern “at the lack of accountability for killings of ethnic Georgians, which continues to contribute to impunity in both Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia.”⁶²

62. According to the **29th Consolidated Report on “the Conflict in Georgia”** of the CoE SG, “manifest lack of progress in the investigation into the deaths of Giga Otkhozoria, Davit Basharuli, Archil Tatumashvili, Irakli Kvaratskhelia and Inal Jabiev, as well as into the recent killings of Temur Karbaia and Tamaz Ginturi, continued to highlight persisting impunity and

⁶¹ See footnote 2.

⁶² See footnote 5.

the pressing need to ensure accountability for grave human rights violations.”⁶³ The same was noted in the CoE SG’s *30th Consolidated Report on “the Conflict in Georgia.”*⁶⁴ Furthermore, the *29th Consolidated Report on “the Conflict in Georgia”* of the CoE SG stressed that “... within the period under review, increased use of brutal violence and firearms led to the tragic death of two Georgian citizens.”⁶⁵

63. The *Report (A/78/864) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”* outlined that “... on 6 November 2023, a Georgian resident was fatally shot along the South Ossetian administrative boundary line, reportedly by the Russian Federation border guards.”⁶⁶

64. “*Georgia 2023 Human Rights Report*” by the U.S. Department of State stressed that “on November 6, Russian occupying forces in South Ossetia killed Tamaz Ginturi, a local resident age 58, who along with three other residents had gone to pray at the St. George of Lomisi Church in the village of Kirbali. On December 7, de facto police forces in Russian-occupied Gali, Abkhazia.”⁶⁷

65. The Amnesty International in its *Report “the state of the world’s human rights”* stressed that “reports of killings ... and ill-treatment of civilians by the de facto authorities of the breakaway regions persisted.” It was also underlined that “on 6 November, one man was shot dead and another detained by Russian troops while visiting a church along the South Ossetia administrative boundary line.”⁶⁸

66. The *Report of the Public Defender of Georgia on the “Situation of Protection of Human Rights and Freedoms in Georgia for 2023”* underlined that “in 2023, the murder of Tamaz Ginturi by the Occupational Regime was particularly alarming; it serves as a reminder that the representatives of the Occupational Regime who were directly involved in the murder of four Georgian citizens – David Basharuli, Giga Otkhзорia, Archil Tatunashvili and Irakli Kvaratskhelia have yet to face consequence” and “this remains the liability of the Russian Federation.” Furthermore, “the alleged encroachment on the life of Temur Karbaia, a Georgian citizen, by the Occupational Forces” was also noted in the Report.⁶⁹

67. In the joint statement, at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008, *the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark)* condemned “the killings of Georgian citizens Davit Basharuli, Giga Otkhзорia, Archil Tatunashvili, Tamaz Ginturi and Vitali

⁶³ See footnote 8, Paragraph 36.

⁶⁴ See footnote 10, Paragraph 39.

⁶⁵ See footnote 8, Paragraph 34.

⁶⁶ See footnote 35, Paragraph 28.

⁶⁷ See footnote 13, p. 2.

⁶⁸ See footnote 38.

⁶⁹ See footnote 39, p. 6.

Karbaia, as well as death of Irakli Kvaratskhelia in the Russian military base in Abkhazia region, whose perpetrators have not yet been brought to justice and held accountable.” The UN SC members and incoming members noted that on 19 December 2023, the European Court of Human Rights affirmed the Responsibility of the Russian Federation “for the brutal murder of Georgian citizen Giga Otkhзорia.”⁷⁰

68. By the statement on *Secretary General’s 30th Consolidated Report on “the conflict in Georgia”*, the EU reiterated “its call upon the Russian Federation not to impede proper investigation and for justice to be served in relation to the killings and tragic deaths of Georgian nationals, including, those of Tamaz Ginturi, Temur Karbaia.”⁷¹

69. In the *joint statement, the GoF of Georgia in the OSCE* condemned “the killings of ethnic Georgian citizens Davit Basharuli, Giga Otkhзорia, Archil Tatunashvili, Tamaz Ginturi, and Vitali Karbaia” and expressed concern “for the death of Irakli Kvaratskhelia in illegal detention at the Russian military base in the Abkhazia region.” The GoF of Georgia urged the Russian Federation “to remove any obstacles to bringing the perpetrators to justice.” In this context, the GoF of Georgia reiterated “support for Georgia’s preventive steps aimed at eradicating impunity and note the Otkhזורia-Tatunashvili List adopted by the government of Georgia.”⁷²

6. Arbitrary detentions

70. “No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law” this requirement under international law prohibits arbitrary deprivation of liberty.⁷³ Moreover, arbitrary detention – as violation of international norms and standards not only impairs the enjoyment of other human rights but “creates risks of torture and ill-treatment ...” according to the General comment No. 35 of the International Covenant on Civil and Political Rights adopted by the Human Rights Committee of 16 December 2014.⁷⁴

71. In contradiction to the above-mentioned, the Russian Federation – the occupying power continues the practice of illegal detentions and kidnappings, which became lengthier and more outrageous, in order to terrorize the conflict-affected people and to use it as an instrument of manipulation and provocation. It is notable that the Russian Federation does not differentiate based on humanitarian aspects and arrests women, children, elderly, and people with severe health problems and there are still Georgian citizens remaining in

⁷⁰ See footnote 24.

⁷¹ See footnote 18.

⁷² See footnote 25.

⁷³ Article 9 of the International Covenant on Civil and Political Rights.

⁷⁴ General comment No. 35 of the International Covenant on Civil and Political Rights, the Human Rights Committee, 16 December 2014, available at <https://tbineternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2fC%2fGC%2f35&Lang=en>.

lengthy illegal detention in both Russia-occupied regions of Georgia.

72. In addition, there is extremely worrying pattern of targeting young Georgian women by the Russian occupation regime in Sokhumi. There were several cases of detention of young Georgian women for fictional and absurd charges, like espionage or possessing Georgian passport. Deliberate targeting female citizens of Georgia is a dangerous trend containing a strong gender dimension and aiming to pressure, scare and humiliate most vulnerable part of ethnic Georgian population in the Russia-occupied regions that are already victims of constant discrimination.

73. Any decision by the occupation regimes in these regions is considered null and void and any detention by the Russian occupation forces as illegal, stemming from the ongoing occupation by the Russian Federation of Abkhazia and Tskhinvali regions of Georgia.

74. By the ***Decision of the Committee of Ministers***, the CoE member States expressed grave concern “over the continued arbitrary detentions of local inhabitants along the dividing line” and noted that “these arbitrary detentions have become lengthier and increasingly involve members of the vulnerable groups.” Furthermore, the CoE member States expressed grave concern “over the illegal detentions of Georgian citizens among others – Irakli Bebuia, Kristine Takalandze and Asmat Tavadze – some of whom suffer from severe health conditions.” Moreover, the CoE member States reiterated their call to the Russian Federation as the State exercising effective control “to cease arbitrary detentions of persons, including in the context of so-called ‘illegal border crossings’” and “to immediately release Irakli Bebuia, Kristine Takalandze, Asmat Tavadze and all other illegal detainees.”⁷⁵

75. In the ***Resolution 57/33 on “Cooperation with Georgia”***, the UN HRC expressed serious concern at “various forms of reported discrimination against ethnic Georgians ... infringements of ... the right to liberty and security of person ... kidnappings” Moreover, the UN HRC expressed further serious concern over “arbitrary detentions and kidnappings, including of women, children and older persons, which in some cases involve shooting, torture and other forms of ill-treatment and continue to have a negative impact on human security and the health of conflict-affected people and restrict their freedom of movement.” Furthermore, the UN HRC took note of “the judgment of 19 December 2023 of the Court in the case *O.J. and J.O. v. Georgia and Russia*, in which the Court affirmed the responsibility of the Russian Federation for the unlawful detention of Georgian citizens in Abkhazia, Georgia.”⁷⁶

76. In the ***Resolution on the “implementation of the common security and defence policy – annual report 2023”***, the European Parliament stressed that the Russian Federation “continues its illegal occupation and effective control over the occupied territories of Georgia through ... frequent illegal detentions and kidnappings of Georgian citizens and

⁷⁵ See footnote 2.

⁷⁶ See footnote 5.

other human rights violations on the ground.”⁷⁷

77. The CoE SG’s *29th and 30th Consolidated Reports on “the Conflict in Georgia”* stressed that incidents of arbitrary detentions continued through the reporting period.⁷⁸

78. The *Report (A/78/864) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”* outlined that “increased surveillance by the Russian Federation border guards and strict detention practices were also reported.” The UN Secretary-General also expressed concern “about the continued detention of civilians residing along the Abkhazia and South Ossetia administrative boundary lines for so-called ‘illegal crossings’.”⁷⁹

79. According to *“Georgia 2023 Human Rights Report”* by the U.S. Department of State, “there were frequent reports of detentions of Georgians along the administrative boundary lines of both the Russia-occupied regions of Abkhazia and South Ossetia” and “several individuals remained in detention, including those who were detained in previous years.” It was stressed that “the ECHR found that the Russian Federation was legally responsible for arbitrary detentions on the occupied territories of Georgia.” The Report underlined that “on November 6, Russian occupying forces arrested Levan Dotiashvili, who had gone to pray at the St. George of Limisi Church in the village of Kirbali” Furthermore, it was noted that “individuals who approached the ABLs or crossing points risked detention by members of the Russian Federal Border Service (Russian guards)” and “Russian guards along the Abkhazia ABL typically enforced the boundary-crossing rules imposed by de facto authorities through detentions and fines.” Moreover, according to the Report “along the South Ossetia ABL, Russian guards frequently transferred individuals to de facto authorities” and “local sources reported that on several occasions, de facto security actors or Russian guards crossed into Tbilisi-administered territory to detain an individual.” It was underlined, that “most often, the arrested individuals were accused of violating the ‘state border’” and “according to the EU Monitoring Mission, many detainees were obliged to sign documents in Russian that they did not understand.”⁸⁰

80. The Amnesty International in its *Report “the state of the world’s human rights”* stressed that “reports of arbitrary detentions of civilians in the breakaway territories persisted.” It was noted that “the health of Irakli Bebuga, an ethnic Georgian resident of Gali serving nine years’ imprisonment for burning the Abkhaz flag, reportedly deteriorated to a critical level due to chronic diseases and lack of adequate healthcare in detention” and stressed that “at least seven people continued to be held in arbitrary detention in substandard conditions by the de facto authorities of the breakaway regions.”⁸¹

⁷⁷ See footnote 7.

⁷⁸ See footnote 8, Paragraph 57 and footnote 10, Paragraph 63.

⁷⁹ See footnote 35, Paragraph 28.

⁸⁰ See footnote 13, pp. 12-13; 35.

⁸¹ See footnote 38, pp. 176; 178.

81. The *Report of the Public Defender of Georgia on the “Situation of Protection of Human Rights and Freedoms in Georgia for 2023”* underlined that “unfortunately, in addition to the violation of the right to life, the practice of illegal detention and ill-treatment of citizens in the occupied territories continues” and “the occupation regime has intensified the illegal practice of arresting individuals for crossing the so called border unlawfully.” It was noted that “unlike previous years, when illegally detained persons were typically released upon payment of an administrative fine, recent years have seen an increase in cases of prolonged illegal detention.”⁸²

82. In both statements on *Secretary General’s 29th and 30th Consolidated Reports on “the conflict in Georgia”* the EU called for the release “of all those illegally detained.”⁸³

83. In the statement on the “*16th anniversary of the aggression against Georgia*”, the High Representative reiterated EU’s condemnation of “Russia’s continued military presence in the occupied breakaway regions of Abkhazia and South Ossetia ...” and noted that “the human rights of conflict-affected communities in Georgia continue to be violated, including through ... illegal detentions by the Russian military and de facto authorities.” It was underlined that “violations of human rights must be investigated, and justice must be ensured for all victims.”⁸⁴

84. “Unlawful detentions and abductions of the local population” was condemned in the *joint statement of the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark)* at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008. The UN SC members and incoming members noted that on 19 December 2023, the European Court of Human Rights affirmed the Responsibility of the Russian Federation for the “unlawful detention of Georgian citizens and the denial of their right to a fair trial.”⁸⁵

85. On 19 September 2024, the EU Monitoring Mission (EUMM) issued the *statement on “EUMM monitors temporarily held by security actors.”* It was noted that “a patrol of the European Union Monitoring Mission (EUMM) was temporarily held by security actors while conducting a routine patrol near the Abkhaz Administrative Boundary Line (ABL) in the Khurcha area.” Therefore, the EUMM expressed deep concern “over any actions that obstruct its monitors from carrying out their mandated activities.”⁸⁶

86. In the *joint statement the GoF of Georgia in the OSCE* expressed deep concern on the “ongoing arbitrary detentions around the ABL involving vulnerable groups, and in some

⁸² See footnote 39, pp. 6; 14.

⁸³ See footnotes: 17; 18.

⁸⁴ See footnote 23.

⁸⁵ See footnote 24.

⁸⁶ Statement on “EUMM monitors temporarily held by security actors”, EU Monitoring Mission (EUMM), 19 September 2024, available at <https://www.eumm.eu/en/press_and_public_information/press_releases/37603/?year=2024&month=9>.

cases people with severe health problems” and therefore, called “for the immediate and unconditional release of Irakli Bebuia, Kristine Takalandze, Giorgi Mosiashvili, and all those under arbitrary detention.”⁸⁷

7. Violation of right to return

87. UN Guiding Principles on Internal Displacement and in particular its Principle 28 most specifically refers to the right of internally displaced persons (IDPs) to return to their homes or places of habitual residence voluntarily, in safety and with dignity.⁸⁸ Like the right of IDPs, international law recognizes the right of refugees to return to their country of origin as guaranteed by Article 13 of the Universal Declaration of Human Rights that reads as follows: “everyone has the right to leave any country, including his own, and to return to his country.”⁸⁹ In addition to these safeguards, by the Resolution 78/205 on “Protection of and assistance to internally displaced persons”, adopted on 19 December 2023 the UN General Assembly recognized that “internally displaced persons are to enjoy, in full equality and without discrimination, the same rights and freedoms under international and domestic law as do other persons in their country, including the right to freedom of movement and residence, and should be protected against arbitrary displacement.”⁹⁰

88. Against this background, hundreds of thousands of internally displaced persons and refugees expelled from the Russia-occupied Abkhazia and Tskhinvali regions of Georgia as a consequence of multiple waves of ethnic cleansing, remain deprived of their fundamental right by the Russian Federation to return in safety and dignity to their homes. The European Court of Human Rights (ECHR) reaffirmed the responsibility of the Russian Federation over the violation of the right to return by its judgment of 21 January 2021 on the case GEORGIA v. RUSSIA (II).⁹¹ However, internally displaced persons and refugees from the Russia-occupied Abkhazia and Tskhinvali regions, are likely to be supplemented by many more, who are on the verge of the same fate as a result of the deliberate policy of the Russian Federation in both occupied territories of Georgia.

89. By the *Decision of the Committee of Ministers* the CoE member States expressed serious concern 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” and reiterated their

⁸⁷ See footnote 25.

⁸⁸ Principle 28 of the UN Guiding Principles on Internal Displacement.

⁸⁹ Article 13 of the Universal Declaration of Human Rights.

⁹⁰ Resolution 78/205 on “Protection of and assistance to internally displaced persons”, UNGA, 19 December 2023, available at <<https://digitallibrary.un.org/record/4032830?ln=en>>.

⁹¹ Case GEORGIA v. RUSSIA (II), Judgment of the European Court of Human Rights (ECHR) of 21 January 2021, available at

<[27](https://hudoc.echr.coe.int/fre#{%22docname%22:[%22Georgia%20v%20Russia%22],%22documentcollectionid%22:[%22]JUDGMENTS%22,%22itemid%22:[%22001-207757%22]}>.</p></div><div data-bbox=)

call to the Russian Federation as the State exercising effective control to “create conditions for the voluntary, safe and dignified return of all IDPs and refugees.”⁹²

90. The UN General Assembly adopted the **Resolution 78/283 on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** on 4 June 2024. In the Resolution the General Assembly once again recognized “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 called “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 also underlined “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.”⁹³

91. In the **Resolution 57/33 on “Cooperation with Georgia”**, the UN HRC recognized the importance “of the Geneva International Discussions established on the basis of the ceasefire agreement of 12 August 2008, mediated by the Presidency of the Council of the European Union as an instrument for addressing the implementation of the agreement, the return of internally displaced persons and refugees and security, human rights and humanitarian issues on the ground.” In the Resolution, the UN HRC 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.” Moreover, serious concern was also expressed “that violations and abuses of human rights and fundamental freedoms of persons living in both regions create an additional threat of further displacement.”⁹⁴

92. “During the period under review, no progress could be reported as regards the voluntary, safe, dignified and unhindered return of IDPs and refugees on the basis of internationally recognised principles” – read the CoE SG’s **29th and 30th Consolidated Reports on “the Conflict in Georgia.”**⁹⁵

93. The UN Secretary-General in his **Report (A/78/864) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”** stressed that “no major changes were observed during the reporting period with regard to internally displaced persons and refugees exercising their right to return”⁹⁶

⁹² See footnote 2.

⁹³ UNGA Resolution (78/283) on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”, 4 June 2024, available at <<https://digitallibrary.un.org/record/4051671?ln=en&v=pdf>>.

⁹⁴ See footnote 5.

⁹⁵ See footnote 8, Paragraph 63 and footnote 10, Paragraph 69.

⁹⁶ See footnote 35, Paragraph 16.

According to the Report “there is a complex balance between the individual right to voluntary, safe and dignified return and the establishment of the conditions conducive to such return” and “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.” Furthermore, it was noted that “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” and “it must be addressed irrespective of any solution to the underlying conflict.”⁹⁷ Moreover, the UN Secretary-General underlined 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 Secretary-General reiterated his call “upon all participants in the Geneva International Discussions to engage constructively, 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” (par. 56).

94. “Despite their 1994 agreement with Georgia, Russia, and UNHCR that called for the safe, secure, and voluntary return of IDPs who fled during the 1992-93 war, Abkhaz de facto authorities continued to prevent the return of those displaced by that war” reads the “*Georgia 2023 Human Rights Report*” by the U.S. Department of State.⁹⁸

95. The *EU in its statement delivered at the UN General Assembly under the agenda item “protracted conflicts in the GUAM area and their implications for international peace, security and development”*, the EU underlined the importance of the right of refugees and internally displaced persons “to choose a durable solution, including a voluntary, safe and dignified return ...” and regretted that so far no progress has been achieved on these issue and recalled that “addressing refugees’ and IDPs’ issues is a core task of the Geneva International Discussions.”⁹⁹

96. In the joint statement at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008, *the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark)* stressed “the importance of protecting the rights and responding to the needs of forcibly displaced persons and refugees, and allowing for a safe, voluntary, dignified, and unhindered return to their homes.”¹⁰⁰

97. By the *statement on the Secretary General’s 30th Consolidated Report on “the conflict in Georgia”*, the EU deeply regretted that “no progress could be reported regarding voluntary, safe, dignified and unhindered return of internally displaced persons and

⁹⁷ *Ibid.*, Paragraph 38.

⁹⁸ See footnote 13, p. 39.

⁹⁹ See footnote 57.

¹⁰⁰ See footnote 24.

refugees based on internationally recognised principles.”¹⁰¹

98. By the *joint statement, the GoF of Georgia in the OSCE* called upon the Russian Federation “to ensure safe and dignified return of all internally displaced persons (IDPs) and refugees to their homes in a manner consistent with international law.”¹⁰²

8. Violation of right to health

99. “Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control”¹⁰³ – reads Article 25 of the Universal Declaration of Human Rights expressing that health is an inherent and inviolable universal human right.

100. Regretfully, like other human rights violations, even the right to health is totally ignored by the Russian Federation in the occupied territories of Georgia. Dozens of residents of these regions have died due to lengthy closure of the occupation line, restrictions of the freedom of movement and refusing or delaying the patients to get emergency treatment on the Georgian Government-controlled territory. It is furthermore outrageous that the residents of these regions have been denied medical evacuation by the Russian occupation regimes on the basis of ethnicity.

101. In the *Decision of the Committee of Ministers*, the CoE member States expressed profound concern over the violation of the right to health in the Russia-occupied territories of Georgia and reiterated their call to the Russian Federation as the State exercising effective control to “remove any impediment, restriction or limitation to the right to freedom of movement across the dividing line, including for medical and educational purposes” and to “cease the denial and/or delay of medical evacuations.”¹⁰⁴

102. The UN HRC in the *Resolution 57/33 on “Cooperation with Georgia”* expressed serious concern at the “infringements of ... the right to the enjoyment of the highest attainable standard of health ...” in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia. Moreover, the UN HRC expressed serious particularly “at cases of denial of and obstacles to swift medical evacuations by the authorities exercising effective control in both regions, which has contributed to a number of deaths and the further isolation of the regions, thereby aggravating the humanitarian and socioeconomic situation on the ground, particularly with regard to the full enjoyment of all human rights by all women, girls and

¹⁰¹ See footnote 18.

¹⁰² See footnote 25.

¹⁰³ Article 25 of the Universal Declaration of Human Rights.

¹⁰⁴ See footnote 2.

older persons.”¹⁰⁵

103. The *Report (A/78/864) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”* stressed that “the local population in the Gali district ... continued to express concern regarding restrictions on freedom of movement, which affect regular contact with family members and friends residing on the other side of the Inguri River, and access to social infrastructure, including medical facilities and markets in Zugdidi.”¹⁰⁶ The UN Secretary-General called “upon the relevant authorities to ease crossings for family visits, especially in the case of medical or other family emergencies, imminent death or funerals” (par. 48).

104. According to “*Georgia 2023 Human Rights Report*” by the U.S. Department of State, “in several instances de facto authorities, particularly in South Ossetia, hindered access to medical care in Tbilisi-administered territory for residents in the occupied territories.”¹⁰⁷

105. The *Report of the Public Defender of Georgia on the “Situation of Protection of Human Rights and Freedoms in Georgia for 2023”* stressed that “improper medical services and infrastructure, and the qualifications of medical personnel in the occupied territories of Georgia continues to pose a challenge” and additionally, “the complex process of transferring patients at checkpoints remains problematic.” The Report noted that “given these circumstances, a significant portion of the population residing in the occupied territory seeks medical assistance outside of these areas.”¹⁰⁸

9. Violation of right to education in native language

106. International law guarantees the right to education for all and the element of native language is the essential component for its full enjoyment and realization.

107. Recalling 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 adding that “should the local institutions 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

¹⁰⁵ See footnote 5.

¹⁰⁶ See footnote 35, Paragraph 37.

¹⁰⁷ See footnote 13, p. 33.

¹⁰⁸ See footnote 39, p. 20.

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

108. Notwithstanding the above-mentioned, another important dimension of violations in the occupied Abkhazia and Tskhinvali regions is violation of right to education in native – Georgian language by the occupying power – the Russian Federation. Georgian language has been completely rooted out as a language of instruction in both occupied regions as a part of the complete “Russification” policy.

109. By the *Decision of the Committee of Ministers*, the CoE member States expressed particular concern with regard to the restrictions on education in native language and reiterated their call on the Russian Federation as the State 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.”¹¹⁰

110. In the *Resolution 57/33 on “Cooperation with Georgia”* the UN HRC expressed serious concern at the “restrictions on education in one’s native language in both Georgian regions.”¹¹¹

111. According to the *29th Consolidated Report on “the Conflict in Georgia”* of the CoE SG, “access to mother tongue-based education in Georgian remains unavailable as it was completely phased out in 2022 both in schools and kindergartens” and “the education process predominantly takes place in Russian and to a very limited extent in the Abkhaz language” as a result, “the number of pupils enrolled in schools steadily decreases, contributing to the ageing of the local population and to the risk of closure of schools with a low enrolment.”¹¹² Furthermore, “the failure to address various forms of discrimination against ethnic Georgians – including by depriving conflict-affected children of the right to an education in their mother tongue – further fed into a sense of alienation and led to further displacement, contributing to the ageing of the local population of the Gali district”¹¹³ – reads the Report. Moreover, according to the Report “similar to the Abkhaz context, access to education in the Georgian native language remained unavailable in all seven schools of the Georgian-inhabited Akhlagori district” and “the compulsory teaching in Russian language exclusively forced those wishing to receive an education in their native Georgian language to relocate to Tbilisi-administered-territory” (par. 62).

112. The violation of the right to education in native language was further outlined in the *30th Consolidated Report on “the Conflict in Georgia”* of the CoE SG. In particular, according to the Report “several interlocutors also voiced apprehension about continued instances of pressure on ethnic Georgian teachers in Gali, especially those educated in Tbilisi-administered territory, some of whom were forced out of their positions”, “the remaining teachers are prohibited from working in their native language and from organising events and communicating with students in Georgian” and “the forced transition to Russian-language tuition has obliged many of them to undergo re-qualification, thus

¹¹⁰ See footnote 2.

¹¹¹ See footnote 5.

¹¹² See footnote 8, Paragraph 44.

¹¹³ *Ibid*, Paragraph 35.

negatively affecting the quality of education.”¹¹⁴ Like the Russia-occupied Abkhazia region, violation of the right to education was also stressed with regard to the Russia-occupied Tskhinvali region of Georgia.¹¹⁵

113. “*Georgia 2023 Human Rights Report*” by the U.S. Department of State noted that “the right to receive education in the native language was extremely restricted for Georgians living in the occupied territories of Georgia” and “this practice was systemic and manifested in actions such as the express prohibition of education in the Georgian language, persistent harassment of Georgian language teachers, banning of Georgian handbooks, and preventing university students from continuing their studies in Georgian higher education institutions through direct restrictions of movement or other direct or indirect pressure.”¹¹⁶

114. According to the *Report of the Public Defender of Georgia on the “Situation of Protection of Human Rights and Freedoms in Georgia for 2023”*, “ethnic Georgian population is unable to receive education in the Georgian language ...” and in the Russia-occupied Abkhazia and Tskhinvali regions of Georgia “the right to receive education in the native language continues to be violated.” The Report stressed that “in all schools in occupied Gali and Akhgori, teaching in the Georgian language has been entirely prohibited in primary classes, relegating the native language to a subject on foreign language and literature.” Furthermore, it was underlined that “one significant challenge lies in the qualification of teachers in the occupied Gali region”, since “they are prohibited from conducting lessons in Georgian, their hiring is not based on pedagogical qualifications and experience but rather on their proficiency in the Russian language.” Moreover, the Report stressed that “teaching the history and geography of Georgia remains strictly prohibited” instead, classes focus on the “history of Abkhazia printed in Russian and the history of Russia authored by Russian writers.” “Additionally, the storage and use of Georgian encyclopedias or other extracurricular reading materials are prohibited in school libraries” - reads the Report.¹¹⁷

115. “Discrimination against ethnic Georgians, and prohibition of education in residents’ native language” was condemned in the *joint statement of the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark)* at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008.¹¹⁸

116. In the *joint statement, the GoF of Georgia in the OSCE* expressed concern over “abuses, including severe restrictions on rights related to ... education” Moreover, the GoF of Georgia condemned “restriction of education in native Georgian language and its replacement with Russian in schools and kindergartens in Georgia’s regions of Abkhazia and

¹¹⁴ See footnote 10, Paragraph 50.

¹¹⁵ *Ibid.*, Paragraph 68.

¹¹⁶ See footnote 13, p. 40.

¹¹⁷ See footnote 39, pp. 6; 14; 17; 19.

¹¹⁸ See footnote 24.

regions.”¹²³

121. In the *Resolution 78/283 on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”*, the UN General Assembly stressed 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.”¹²⁴

122. In the *“Bucharest Declaration”*, the OSCE Parliamentary Assembly condemned human rights violations in Russia-occupied Abkhazia and Tskhinvali regions of Georgia “... as well as the alteration and obliteration of Georgian features from Georgian cultural heritage monuments in both regions”¹²⁵

123. In the *Resolution 57/33 on “Cooperation with Georgia”*, the UN HRC expressed serious concern at the continued process of the installation and extension of barbed wire fences and other artificial barriers “which continue to have a negative impact on the already poor socioeconomic conditions of the conflict-affected population ... while preventing their access to property, grazing and farming lands, religious sites and cemeteries.” Moreover, the UN HRC expressed serious concern at “infringements of ... property rights ... and ... the continued practice of the demolition of the ruins of houses belonging to internally displaced persons in the Tskhinvali region/South Ossetia, Georgia, and the obliteration and alteration of Georgian features from Georgian cultural heritage monuments in both regions.” The UN HRC also condemned “land seizures, including in Gagra District in Abkhazia, Georgia, the transfer of Sokhumi airport, for reconstruction and operation, and of Bichvinta resort, in Abkhazia, Georgia, to the Russian Federation.”¹²⁶

124. According to the *Report (A/78/864) of the UN Secretary-General on “status of internally displaced persons and refugees from Abkhazia, Georgia, and the Tskhinvali region/South Ossetia, Georgia”*, “foreign resident permit’ does not grant its holder the full range of political, housing, land and property rights under Abkhazia’s de facto legislation.”¹²⁷ By the Report, the UN Secretary-General called “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 noted that “the underlying norms of international law, including international human rights law, as outlined in the report of 20 May 2013 (A/67/869, paras. 58–60), remains valid.” The document underscored that “the Special Rapporteur on the human rights of internally displaced persons noted during his visit to Georgia in September 2016 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.”

¹²³ See footnote 2.

¹²⁴ See footnote 93.

¹²⁵ See footnote 4.

¹²⁶ See footnote 5.

¹²⁷ See footnote 35, Paragraph 21.

Therefore, the UN Secretary-General encouraged “the participants in the Geneva International Discussions to facilitate an expert session to address housing, land and property rights.”¹²⁸ The UN Secretary-General 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” (par. 56).

125. “Documentation gaps remained a recurrent problem impacting both the status and daily lives of ethnic Georgians, primarily in Gali but also in Ochamchire and Tkvarcheli, with adverse implications for the effective enjoyment of their rights, in particular ... property rights” – read the CoE SG’s *29th and 30th Consolidated Reports on “the Conflict in Georgia.”*¹²⁹

126. “*Georgia 2023 Human Rights Report*” by the U.S. Department of State underlined that significant human rights issues in the Russia-occupied regions of Georgia included “restrictions on the ability of ethnic Georgians to own property or register businesses.” Furthermore, the Report stressed that “in Russia-occupied Abkhazia, the de facto legal system prohibited property claims by ethnic Georgians who left Abkhazia before, during, or after the 1992-93 war, thereby depriving internally displaced persons of their property rights” and “in 2019 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.” It was also underlined 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” and “the decree also declared all property in Akhagori belonged to the de facto authorities until a ‘citizen’s’ right to that property was established in accordance with the de facto law, effectively stripping ethnic Georgians displaced in 2008 of their right to regain property in the region.” Moreover, the Report stressed that “de facto authorities continued to pressure ethnic Georgians to acquire a ‘foreign residency permit’ that allowed the holder to cross the ABL and remain in Abkhazia for a period of five years” and “an applicant was required, however, to accept the status of an alien (i.e., a Georgian living as a foreigner in Abkhazia), could not purchase property, could not transfer residency rights of property to children born in de facto controlled territory ... and had to accept a lack of other basic rights.”¹³⁰

127. In the statement *delivered at the UN General Assembly under the agenda item “protracted conflicts in the GUAM area and their implications for international peace, security and development”*, the EU underlined the importance of the right of refugees and internally displaced persons “to choose a durable solution ... of being able to exercise

¹²⁸ *Ibid.*, Paragraph 55.

¹²⁹ See footnote 8, Paragraph 45 and footnote 10, Paragraph 50.

¹³⁰ See footnote 13.

property rights.”¹³¹

128. “Deliberate damage to Georgian cultural heritage” was condemned in the *joint statement of the UN Security Council members (France, Japan, Slovenia, Malta, United Kingdom, United States) and incoming Security Council members (Greece and Denmark)* at the Security Council stakeout on the anniversary of Russia’s full-scale military aggression against Georgia in August 2008.¹³²

129. In the *joint statement, the GoF of Georgia in the OSCE* expressed concern over “abuses, including severe restrictions on rights related to ... property, particularly in connection with the destruction of the houses of IDPs.” Moreover, the GoF of Georgia condemned “the obliteration and alteration of Georgian features of the Georgian cultural heritage monuments in both occupied regions.”¹³³

11. Conclusion

130. Total disregard of international law and subsequent blatant violations of human rights and fundamental freedoms of residents of the Russia-occupied Abkhazia and Tskhinvali regions of Georgia continued during the reporting period, like previous years. Massive violations of human rights in these regions include and are not limited to violation of right to life;¹³⁴ torture and ill-treatment;¹³⁵ arbitrary detention;¹³⁶ violations of the right to freedom of movement,¹³⁷ right to return,¹³⁸ right to health,¹³⁹ right to property¹⁴⁰ and right to education in one’s native language.¹⁴¹

¹³¹ See footnote 57.

¹³² See footnote 24.

¹³³ See footnote 25.

¹³⁴ 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.

¹³⁵ 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.

¹³⁶ 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.

¹³⁷ 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.

¹³⁸ UN Guiding Principles on Internal Displacement.

¹³⁹ Article 12 of the International Covenant on Economic, Social and Cultural Rights.

¹⁴⁰ 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.

¹⁴¹ 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.

12. Appeal to the international community

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

to call on the Russian Federation:

- to reverse its recognition of the so-called “independence” of Georgian regions - Abkhazia and Tskhinvali;
- to end the occupation of the Georgian territories;
- to implement the EU-mediated Ceasefire Agreement of 12 August 2008 and withdraw its illegally stationed troops from the occupied territories of Georgia;
- to stop violations of human rights in the occupied territories of Georgia;
- 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;
- 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 Georgia’s Abkhazia and Tskhinvali regions;
- 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 Russia-occupied territories of Georgia;

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

- the international and regional organizations, bodies and actors to continue efforts to access Abkhazia and Tskhinvali regions of Georgia in order to address, monitor and report on human rights situation in these regions.